

Richmond Police Department

Richmond PD CA Policy Manual

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; abide by the Professional Code of Ethics; and, accept responsibility for the 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 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 - Chief of Police

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MISSION STATEMENT

The mission of the Richmond Police Department is to prevent crime and maintain order. We work in partnership with our diverse community to help solve neighborhood problems, address root causes of crime and improve the quality of life in Richmond. We strive to perform in a manner that promotes public trust, confidence, and a sense of safety and security.

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Richmond Police Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq.).

100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE RICHMOND POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Richmond Police Department includes (Penal Code § 830.1; Penal Code § 836):

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

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

100.2.2 TIME OF MISDEMEANOR ARRESTS

Officers shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Penal Code § 840):

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
 - (a) A misdemeanor was committed in the presence of the officer.
 - (b) Misdemeanor domestic violence offenses (See the Domestic Violence policy).
- (b) The arrest is made in a public place.

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

100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE RICHMOND POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Richmond Police Department includes (Penal Code § 830.1; Penal Code § 836):

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

100.3 POLICY

It is the policy of the Richmond Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate the abuse of law enforcement authority.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding, or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

Peace officers of another state who enter the State of California in fresh pursuit to arrest a person who has committed a felony in the other state have the same authority to arrest and hold in custody such person as peace officers of this state have to arrest and hold a person in custody (Penal Code § 852.2).

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100.5 CONSTITUTIONAL REQUIREMENTS

All members 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 make employment decisions based on such standards of performance; and
 11. Otherwise take such measures as management may determine appropriate for the orderly, efficient, effective, safe, and economical operations of the agency.

Chief Executive Officer

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

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

103.2 POLICY

It is the policy of the Richmond Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

103.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

"I, (employee name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

103.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Government Code § 3105).

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 or 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 a 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 it to senior staff.

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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

A digital copy of the Policy Manual shall be distributed to all Department personnel and also made available on the Department's Records Management System. 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.

CFR - Code of Federal Regulations.

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.

Manual - The Richmond Police Department Policy Manual.

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

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- 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 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 units and sections of the bureau are Homicide, General Crimes, Youth Services, Domestic & Sexual Violence, CSI Detective, Intelligence Unit, Safe Streets Task Force, and the Crime Analysis 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), Property Vault, Records Section, Temporary Holding Facility, 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

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Organizational Structure and Responsibility

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) Operations 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.
- Appears before civic organizations and neighborhood groups to address or answer questions concerning law enforcement.

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Organizational Structure and Responsibility

- 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 include 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 reviews 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:

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- 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, and 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 the 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.
- Appropriately supervises and participates in the enforcement of laws and ordinances.

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Organizational Structure and Responsibility

- 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.

[See attachment: Organizational Chart.pdf](#)

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 to policy 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 Administration 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 events. 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

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

204.3 OBJECTIVES

The objectives of the Training Program are to:

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

204.4 TRAINING PLAN

A training plan will be developed and maintained by the Administration Division. It is the responsibility of the Administration 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:

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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.

204.7 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

204.8 TRAINING SERGEANT

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

204.8.1 TRAINING RESTRICTION

The Training Sergeant is responsible for establishing a process to identify officers who are restricted from training other officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

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 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.

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Electronic Mail

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, 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 the 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 the 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 a field supervisor in place of a field sergeant.

With prior authorization from the Chief of Police, a sergeant may act as the Watch Commander for a limited period of time.

License to Carry a Firearm

Effective Date:	
Revised Date:	08 January 2024
Issuing Authority: Captain J. Lopez	

208.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a written process for the application, issuance, denial, appeal, and revocation of a license to carry a firearm (Penal Code § 26150; Penal Code § 26155).

208.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of municipal police department from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police department to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

Within Contra Costa County, the Sheriff has agreed to process requests for concealed firearm licenses (CCW) for interested law enforcement agencies. Richmond PD adheres to this practice and refers all CCW permit applicants to the Office of the Sheriff.

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:

- (a) Be deemed not to be a disqualified person as provided in Penal Code § 26202.
- (b) Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).
- (c) Be a resident of the City of Richmond (Penal Code § 26150; Penal Code § 26155).
- (d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
- (e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- (f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- (g) Pay all associated application fees (Penal Code § 26190).
- (h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Richmond Police Department (Penal Code § 26162).

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License to Carry a Firearm

- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training described in Penal Code § 26165.

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.

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 Department of Justice (DOJ) determines that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26195).

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 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. If an incomplete application package is received, the Chief of Police or the 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).
- (b) Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.
 - 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
 - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
 - 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph, proof of residency).

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License to Carry a Firearm

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

Within 90 days of receiving the completed application for a new license, the Department shall give written notice to the applicant of the Department's initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165.

208.4.2 PHASE TWO

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

- (a) Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.
- (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 shall be paid by the applicant but shall not exceed the reasonable costs to the Department (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the Department, which complies with Penal Code § 26165.
- (d) The applicant shall submit any firearm to be considered for a license to the Armorer or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Armorer, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied (Penal Code § 26170).

208.5 ISSUED FIREARMS PERMITS

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).
 - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).

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2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this department in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Department shall notify the California DOJ (Penal Code § 26210).

208.5.1 LICENSE RESTRICTIONS

- (a) The Chief of Police may place special restrictions limiting the time, place, manner, and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
 1. Consuming any alcoholic beverage while armed.
 2. Falsely representing him/herself as a peace officer.
 3. Unjustified or unreasonable displaying of a firearm.
 4. Committing any crime.
 5. Being under the influence of any medication or drug while armed.
 6. Interfering with any law enforcement officer's duties.
 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
 8. Loading the permitted firearm with illegal ammunition.
- (b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.

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- (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.

208.5.2 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.

208.5.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy shall be revoked by the Chief of Police for any of the following reasons (Penal Code § 26195):

- (a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- (b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
- (c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
- (d) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.
- (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).

208.5.4 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.

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- (b) Completing a training course pursuant to 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 the applicable renewal application fee.

Within 90 days of receiving the completed application for a renewal license, the Department shall give written notice to the applicant of the department's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165. The Department shall then submit the renewal notification to the California DOJ as provided in Penal Code § 26185.

Once the Chief of Police or the 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.

208.6 DEPARTMENT REPORTING AND RECORDS

The Department shall maintain a record of the following and immediately provide copies of each to the California DOJ (Penal Code § 26225):

- (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.

208.7 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered a public record (Government Code § 7923.805).

208.8 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 and these applicants should be referred to the Sheriff's Office (Penal Code § 26150).

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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).
- (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).

208.9 WRITTEN NOTICE FOR DENIAL OF LICENSE

The Chief of Police or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 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 (Penal Code § 26205).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

208.9.1 ADDITIONAL REQUIREMENTS

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Chief of Police or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they may request a hearing from a court. The Department shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Chief of Police or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

208.10 POLICY AVAILABILITY

This policy shall be made accessible to the public as provided by Penal Code § 26160.

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 or resigns 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:

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- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer and one of the following:
 - (a) 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.
 - (b) 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 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 or resigns 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 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.
- (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."

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209.4.2 QUALIFIED RETIREES 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) Sign a waiver of liability of the Department 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.
- (b) Remain subject to all applicable department policies and federal, state, and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) 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 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):

- (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.

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

Retirees residing in California shall qualify every three years. Out-of-state retirees and California retirees traveling out of state with CCW shall qualify every year. (18 USC § 926C)

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 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 Watch Commander when the conduct of a retired peace officer compromises public safety (Penal Code § 25470).

- (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).
 - (a) The decision of such hearing board shall be binding on the Department and the retiree.
 - (b) 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."

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- (d) Members of the Police Department who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
 - (a) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 - (b) The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
 - (c) 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 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.
 - (d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

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.

Use of Department Address and Mail Services

210.1 PURPOSE AND SCOPE

The Richmond Police Department is a professional environment and primarily a place for conducting official business on behalf of the City of Richmond. The personal use of department resources, including the department's address and telephones, may compromise operational efficiency, incur unnecessary costs, and overtly disrupt the work efficiency of other employees. This policy establishes guidelines to ensure the appropriate use of department resources.

210.2 POLICY

The personal use of the Richmond Police Department's address, courier service, and mail processing is generally discouraged. Mail and shipping procedures will be regulated to ensure that department resources remain available for official City business.

210.3 GENERAL

Use of Police Department Address

- (a) Employees shall not use the Richmond Police Department's mailing address for personal matters, including the receipt of personal mail, packages, or subscriptions.
- (b) Exceptions require advance written approval from a Bureau Commander and must demonstrate a justifiable necessity directly related to the employee's duties. Request may be denied if they create logistical burdens, operational inefficiency, or risk of misuse.

Use of Police Department Courier Services

- (a) Employees shall not use the department's outgoing mail pickup or courier services for personal mail, packages, or other shipping unless specifically authorized.
- (b) All personal shipments requiring the use of department facilities must receive prior written approval from a Bureau Commander and must not result in any cost to the department.
- (c) Employees are responsible for reimbursing the department for any unauthorized use of postage or courier service.

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 (Government Code § 7286).

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily 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 against anyone.

It is the policy of the Richmond Police Department to use objectively reasonable force to:

Prevent escape, effect an arrest, or overcome resistance

Defense of officer and others

Prevent public offenses

Maintain order

These policies will be taught through the Richmond Police Department's various training programs (in accordance with applicable laws and POST guidelines).

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300.2.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall when in a position to do so, intercede to prevent the use of unreasonable force.

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

300.2.2 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall promptly report these observations to a supervisor as soon as feasible (Government Code § 7286(b)).

300.2.3 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing policy for additional guidance.

300.2.4 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

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

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

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their

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response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, prevent escape, or overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (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 (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer and the subject leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) The proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) The seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.

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- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contact with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 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 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.

300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION

De-escalation tactics and techniques are those actions undertaken by an officer(s) to avoid physical confrontations, unless reasonably necessary to protect someone or to stop dangerous behavior while minimizing the need to use force during an incident when the totality of the circumstances and time permit. De-Escalation tactics and techniques are employed to increase the likelihood of voluntary compliance and cooperation.

It is the policy of this Department that when all of the reasonably known circumstances indicate it is safe, prudent, and feasible to do so, an officer(s) should attempt to slow down, reduce the intensity, or stabilize the situation so that more time, options and/or resources may become available for incident resolution.

When time and circumstances reasonably permit, an officer(s) shall consider whether a subject's lack of compliance is a deliberate attempt to resist or is the result of an inability to comply based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability
- Physical limitation

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Language barrier

Drug interaction

Behavioral crisis

An officer's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident and which tactical options are the most appropriate to bring the situation to a safe resolution. An officer is not expected to engage in force de-escalation measures that could jeopardize the safety of the community or of any employee.

Where circumstances and time reasonably permit, an officer(s) shall take those reasonable and prudent actions which operate to mitigate the immediacy of the threat thereby giving the officer(s) time to call more officers, utilize other tactics, or request specialty assistance, such as Crisis Negotiators. The number of officers on the scene may increase the available force options, a circumstance that has the potential to increase the ability of the officer(s) to reduce the overall force used by considering other viable alternatives such as:

Decreasing the exposure to the potential threat by using distance or physical barriers between an uncooperative subject and an officer.

Containing the threat.

Maximizing the use of cover or concealment to reduce officer(s) exposure to potential threats by placing the officer(s) in a safer position.

Communicating from a safe position to gain the subject's compliance through the use of verbal persuasion, advisements, and/or warnings. Generally, communication techniques should engage active listening to calm agitated individuals and promote rational decision-making.

The officer's physical actions may also de-escalate a potentially volatile/violent situation.

When the circumstances warrant an application of force, the level of force should reflect the totality of the reasonably known circumstances surrounding the immediate situation. The officer need only select a level of force that is within the range of "objectively reasonable" options. Officers must rely on training, experience, and an assessment of the situation to decide an appropriate level of force to be applied. Objective reasonableness will dictate the force option to be employed.

Officers may either escalate or de-escalate the use of force as the situation progresses or as circumstances change. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be reassessed accordingly.

300.3.5 ADDITIONAL RESTRICTIONS

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

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officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, officers should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code § 835a).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

Additionally, an officer shall not use deadly force against a person whose actions are a threat solely to property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force. When feasible, officers should take

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reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 DRAWING/DEPLOYING FIREARMS

Officers shall only intentionally point a firearm at another person if there is an objectively reasonable perception of a substantial risk that the situation may escalate to justify lethal force. Whenever an officer intentionally points a firearm at a person, an account of the incident must be made in either a police report or the facts must be included as an FI entry in the Mark 43 RMS system. The officer should include in the narrative of either the report or FI entry how the weapon was used, as well as the justification for such action.

If an officer intentionally points a firearm at a person, the person should, when safe and appropriate, be advised of the reason why the officer(s) pointed the firearm.

When an officer presents a firearm in a challenge or "low ready" position, where the firearm is not pointing directly at another person during the course of an incident, officers are not required to report such activity. The "low ready" or "challenge" position is a position in which the firearm is held at a downward angle to allow an officer full visual access (as the circumstances allow) to another person without actually pointing the firearm at the person.

When an officer draws/deploy a firearm during the performance of his/her duties, not in the presence of others, officers are not required to report such activity.

300.4.3 RADIO CODE 10-76 OFFICER INVOLVED SHOOTING

Broadcasting accurate and timely information over the radio is paramount to a safe and successful outcome in the aftermath of an officer-involved shooting. Officers should avoid broadcasting "shots fired" as this is unclear and can lead to confusion until it is clarified. Officers should utilize the radio code 10-76 when involved in a shooting as this provides exact information as to what has occurred.

Involved Officer

Officers involved in a shooting should broadcast 10-76 when it is safe to do so and provide the following information:

- Location

- Safety/threat assessment for responding officers

- Their medical condition

- The medical condition of suspect(s)

- The ability for medical to move in or stage

- Fleeing suspect description and direction of flight

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Other pertinent information

Communications Center

Confirm cover units are en-route

Immediately start medical personnel to the scene or designated staging area

Confirm the on-duty patrol sergeant and watch commander are aware

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented by the end of their shift, completely and accurately in the appropriate report. The officer shall articulate the factors perceived and why they believed the use of force was objectively reasonable under the circumstances. Supervisors and Watch Commanders should route use of force reports and approved attachments via Blue Team by the end of their workweek unless authorization to hold a report is provided by their respective Bureau Captain.

Incidents require reporting when the suspect had more than momentary discomfort, a visible injury, complaint of injury or continued pain, was struck with personal body weapons or impact weapons, was rendered unconscious, or the application of a CEW or Wrap Restraint.

300.5.1 NOTIFICATION TO SUPERVISORS

Any use of force by an officer shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates an intent to pursue litigation.
- (e) Any application of a conducted energy device 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 unreasonable force was used or that any of the above has occurred.

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

300.5.2 REPORT RESTRICTIONS

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

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300.6 MEDICAL CONSIDERATIONS

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

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

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

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

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

See the Medical Aid and Response policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

- (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) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

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1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once 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.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the 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 Blue Team software, for administrative review.

The Watch Commander shall review each use of force by any person within his/her command to ensure compliance with this policy.

300.8 TRAINING

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

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intercede.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).

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- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).
- (g) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.8.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

300.9 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)). Refer to Records Release policy.

300.10 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.11 POLICY REVIEW

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

300.12 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints policy (Government Code § 7286(b)). Refer to Personnel Complaints policy.

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

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

301.2 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.

301.3 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.

301.3.1 RESTRAINT OF DETAINEES

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

301.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

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

301.3.3 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.

301.3.4 NOTIFICATIONS

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

301.4 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 person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

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

301.5 APPLICATION OF SPIT HOODS

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should

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provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

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

301.6 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.

301.7 APPLICATION OF LEG RESTRAINT DEVICES (WRAP)

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

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

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

301.7.1 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.

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- (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 emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.8 REQUIRED DOCUMENTATION

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

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

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

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

301.9 TRAINING

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.

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- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices and Techniques

302.1 PURPOSE AND SCOPE

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

302.2 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.

302.3 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 of 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 an approved baton, CEW, 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.

302.4 RESPONSIBILITIES

302.4.1 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.

302.4.2 RANGEMASTER 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. A log shall be maintained to control inventory, issuance, and use of munitions.

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

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302.4.3 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.

302.5 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.
- d. The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

302.6 CAROTID CONTROL HOLD

Richmond officers shall not use the carotid control hold or any choke holds (defined as the intentional application of pressure to the subject's trachea or any other means that restricts breathing).

302.7 FIXED OR COLLAPSIBLE BATON

The fixed or collapsible baton 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. Officers may only carry a fixed or collapsible baton for which they have successfully completed training or received department-approved training. Officers should only target recommended areas.

302.8 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, SWAT Commander, or Mobile Field Force (MFF) 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.

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302.9 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.

302.9.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or vest carrier. 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.

302.9.2 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.

302.9.3 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.

302.10 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle, or other enclosed areas, 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 an 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.

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302.10.1 USE OF KINETIC ENERGY PROJECTILES

Personnel who have completed a departmental training course may carry and employ 12 gauge or 40 mm projectiles while on duty.

Personnel are required to complete mandated certification courses prior to deploying the less lethal 12 gauge or 40 mm Launcher. These systems deliver the following munitions:

- a. Chemical or smoke agents.
- b. Kinetic energy projectiles.

302.11 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.

302.11.1 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 engages in riotous behavior or throws 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.

302.11.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to the 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.

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- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the device's intended use 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.

302.11.3 SAFETY PROCEDURES

Shotguns designated explicitly 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 free from defects.

When it is not deployed, the shotgun will be unloaded 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.

302.12 TRAINING FOR CONTROL DEVICES

- (a) Only personnel trained and have 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/CEW training shall occur every other year at a minimum;
- (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

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a device or demonstrate adequate knowledge of this policy, an employee may be subject to discipline, up to and including termination.

302.13 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

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUANCE AND CARRYING CEDS

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

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

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

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

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

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

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

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

303.3.1 USER RESPONSIBILITIES

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

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

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303.4 VERBAL AND VISUAL WARNINGS

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

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

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

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

303.5 USE OF THE CED

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

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

303.5.1 APPLICATION OF THE CED

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

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

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

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

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

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

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

303.5.3 TARGETING CONSIDERATIONS

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

303.5.4 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

303.5.5 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.

303.6 MEDICAL TREATMENT

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

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

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

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

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

303.7 SUPERVISOR RESPONSIBILITIES

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

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

303.8 TRAINING

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

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

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

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

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

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

The Training Sergeant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

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304.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals, contraband, and apprehending criminal offenders.

304.1.1 POLICY

It is the policy of the Richmond Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

304.2 GUIDELINES FOR THE USE OF CANINES

A canine may be 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) Reasonable belief 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 based on the totality of the circumstances.

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.

304.3 ASSIGNMENT

Canine teams work beat assignments in the Patrol Division and primarily support patrol operations. Canine Teams may work outside of the Operations Bureau with the approval of the on-duty watch commander.

304.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

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- (a) Richmond Police Department officer currently off probation;
- (b) Have a minimum of two years of experience in the Operations Bureau;
- (c) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates);
- (d) Have a garage that can be secured and accommodate a canine vehicle;
- (e) Live within 45 minutes travel time from the Richmond City limits;
- (f) Agree to be assigned to the position for a minimum of three years;
- (g) After three years the Canine Coordinator and Canine Manager will re-evaluate the performance of the canine team;
- (h) A officer may work in the capacity of a canine handler for the serviceable life of the dog.

304.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Watch Commander.

304.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams requires Watch Commander approval.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

304.5.2 PUBLIC DEMONSTRATION

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

304.6 APPREHENSION GUIDELINES

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

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

304.6.1 PREPARATION FOR DEPLOYMENT

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

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

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

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

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

304.6.2 WARNINGS AND ANNOUNCEMENTS

A clearly audible warning announcing the officer's authority, an opportunity to surrender, and the potential consequence of not surrendering shall be made prior to releasing a canine unless there is a reasonable belief the canine announcement will pose a threat of serious bodily harm to the officer or public. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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

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304.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a police report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

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

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

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

304.7 NON-APPREHENSION GUIDELINES

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

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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304.7.1 ARTICLE DETECTION

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

304.7.2 NARCOTICS DETECTION

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

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection-trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

304.8 HANDLER RESPONSIBILITIES

The canine 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 canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The police canine shall wear a collar and identification tags at all times, including while off duty.
- (c) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (d) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (e) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Richmond Police Department facility to be utilized by other canine teams.
- (f) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (g) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (h) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured

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with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

- (i) 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.
- (j) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or canine manager.
- (k) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.
- (l) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made with an approved boarding facility.

304.8.1 CANINE IN PUBLIC AREAS

The canine should be kept under the canine handler's control when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

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

304.9 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

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

304.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained with the Department designated veterinarian.

304.11 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 Police Services Dog Program Manager. The Unit Coordinator shall be responsible for, but not limited to, the following:

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- a. Review all reports regarding the use of a canine to ensure compliance with policy and to identify any training issues and other needs of the program.
- b. Maintain liaison with the training vendor.
- 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 for the unit.
- g. Be responsible for scheduling all canine-related activities.
- h. Ensure the canine teams are scheduled for continuous training to maximize their capabilities.
- i. Ensure Operations Bureau supervisors are notified of upcoming training and events.

304.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics, firearms, and/or explosives shall also be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification body established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

304.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST, CNCA, or other recognized and approved certification standards on an annual basis. Continued training will be consistent with current regional training standards regarding officer safety, control, and correction for the police canine.

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 as scheduled.
- b. Canine teams will also receive department training in accordance with the established department canine training schedule, outside of contracted training, to stay above POST canine standards.

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- c. Canine handlers are encouraged to engage in additional training with the approval of the Unit Coordinator.
- d. Canine training is mandatory and any absences need to have prior approval from the unit coordinator.
- e. The unit coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.
- f. No canine team failing POST Police Service Dog Certification shall be deployed in the field until certification is achieved. When practical, pending successful certification, the canine team shall be assigned regular patrol duties.
- g. The Canine Coordinator shall be the custodian of records for canine training and deployments.

304.12.2 TRAINING AIDS

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

304.12.3 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(g)).

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

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

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

304.12.4 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.

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- (c) Any person possessing controlled substance training samples pursuant to a court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be 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, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine 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.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

Use of Force Review Boards

305.1 PURPOSE AND SCOPE

This policy establishes a process for the Richmond Police Department to review uses of force by its employees.

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

305.2 POLICY

The Richmond Police Department will objectively evaluate the use of force by its members to ensure their authority is lawful, appropriate, and consistent with training and policy.

305.3 REVIEW BOARD

The Use of Force Review Board will convene monthly to review use of force incidents that occurred the previous month. The reporting officer's bureau captain should have already reviewed the incident prior to review by the Use of Force Review Board.

The Operations Bureau Commander, or designee, will serve as chairperson of the Use of Force Review Board and will ensure that all relevant reports, body camera videos, and other materials are available for consideration and review by the Board.

305.3.1 COMPOSITION OF THE BOARD

The Use of Force Review Board shall be comprised of the following personnel at the direction of the Chief of Police:

- Operations Bureau Captain (Board Administrator)
- Administration Bureau Captain
- Investigations Bureau Captain
- Watch Commander (Board Manager)
- Training Manager
- Training Sergeant (Board Coordinator)
- Office of Professional Accountability Manager
- Taser/Defensive Tactics Instructor
- Richmond Police Officers Association Board Member (Observer)

305.3.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of all use of force incidents. After having reviewed the information presented, the Use of Force Review Board will make a determination as to whether the use of force in each

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incident was within policy. If necessary, the Use of Force Review Board may request additional information and/or request additional reviews by subject matter experts prior to making any finding.

The Board shall review incidents based upon the facts that were reasonably perceived or known by the officer using force, applying any legal requirements, department policies, procedures, and training to those facts. Information later discovered but unknown to the officer at the time of the incident shall not justify or cast doubt upon an officer's decision to use force.

305.4 BOARD RECOMMENDATIONS

Any recommended finding as to whether the use of force incident was in violation of Department policy requires a consensus of the Board. The Board does not have the authority to recommend discipline.

The Board may recommend retraining, counseling, or a referral to the Chief's Office for further investigation by the Office of Professional Accountability. The Board may also recommend the Personnel and Training Unit conduct a training review to consider whether training or policy should be developed or revised as appropriate.

The Chief of Police shall review the recommendation, make a final determination as to whether an officer's actions were within policy and procedure, and determine whether any additional actions, investigations, or reviews are appropriate. The Chief of Police's finding will be sent to the involved officer's Bureau Commander for appropriate action or the Office of Professional Accountability for further investigation.

305.5 REVIEW BOARD MEETING DOCUMENTATION

The Use of Force Review Board Manager will prepare a summary memorandum after each meeting indicating findings and recommendations from each incident. The memorandum will record attendance at the meeting and personnel responsible for any follow-up tasks. A copy of the memorandum shall be stored in Administration Division training files and retained per City retention guidelines. The Use of Force Board Administrator will be responsible for ensuring follow-up tasks are completed.

305.6 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.

Officer-Involved Shootings and Deaths

306.1 PURPOSE AND SCOPE

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

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

306.2 POLICY

The policy of the Richmond Police Department is to ensure that officer-involved shootings and other incidents investigated under the Law Enforcement Involved Fatality (LEIF) protocol are investigated in a thorough, fair, and impartial manner.

306.3 INVESTIGATION RESPONSIBILITY

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

306.4 TYPES OF INVESTIGATIONS

Officer-involved shootings and LEIF incidents 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

306.5 JURISDICTION

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

306.5.1 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.

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306.5.2 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).

306.5.3 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.

306.5.4 INVESTIGATION RESPONSIBILITY MATRIX

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

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation of	Administrative Investigation
RPD Officer in This Jurisdiction	RPD Investigators	District Office	Attorney's Team	RPD Civil Liability Office of Professional Accountability
Allied Agency's Officer in This Jurisdiction	RPD Investigators	District Office	Attorney's Department	Involved Officer's Department
RPD Officer in Another Jurisdiction	Agency where incident occurred	Decision by agency where incident occurred	RPD Civil Liability Team	RPD Office of Professional Accountability

306.6 INVESTIGATION PROCESS

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

306.6.1 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 shall administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.

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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, the 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.
- (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.

306.6.2 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 Investigations Division Commander.

306.6.3 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
- Office of Professional Accountability 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.

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306.6.4 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.

306.6.5 INVOLVED OFFICERS

Once the involved officer(s) have arrived at their debriefing location, 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.
- (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.

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Officer-Involved Shootings and Deaths

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 of 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.

306.6.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Investigations Division Commander should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

306.7 CRIMINAL INVESTIGATION

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

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

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

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

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306.7.1 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.

306.7.2 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.

306.7.3 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incidents 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

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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.

306.8 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, the involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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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 Force Review Board, which will restrict its findings as to whether there was compliance with the Department's use of deadly force policy.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

306.8.1 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.

306.9 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 BWC or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any BWC 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

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.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shooting policies.

307.2 POLICY

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

307.3 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.

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

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Armorer.

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

307.3.1 DUTY FIREARMS

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

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- (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.

307.3.2 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.

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

307.3.3 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.
- (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.

307.3.4 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. 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.

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307.3.5 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.

307.3.6 PISTOL MOUNTED OPTICS (PMO)

Laser sights, PMO, and rail-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 system shall only be installed in strict accordance with manufacturer specifications.
- (b) Once an approved PMO and/or 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.
- (c) Laser sights, PMO, 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.

307.4 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. 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 the 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.

307.4.1 SAFETY CONSIDERATIONS

Personnel shall also consider the following safety concerns:

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- (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 the 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 types 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.

307.4.2 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.

307.5 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.

307.5.1 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.

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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.

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

307.6 WARNING AND OTHER SHOTS

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

307.6.1 STORAGE IN VEHICLES

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

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

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

307.7 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, CEW, 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.

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307.8 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 a recorded statement provided no later than the end of the next regularly scheduled shift unless otherwise directed by a supervisor.

307.9 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 inspections, 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.

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307.10 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 weapons.

307.10.1 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.

307.11 FLYING WHILE ARMED

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

Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

- (a) Officers must carry their Richmond Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature, and the signature of the Chief of Police or the official seal of the Department and must present this identification to the 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).
- (b) 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 on the day of travel to airport personnel as authorization to travel while armed.
- (c) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (d) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

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- (e) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (f) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (h) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative, or another 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.

307.12 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (refer to License to Carry a Firearm policy) 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 a concealed weapon.
- (b) Qualified retired officers shall also carry certification of having met firearms qualifications 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).

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 aids law enforcement officials in identifying suspects involved in criminal violations, establishing stolen status, 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 governments:

- (a) The State of California Department of Justice manages the automated firearm system (AFS). This is an electronic database that 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.
- (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

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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 unloaded in the property vault using the following procedures.
 - Complete a MARK43 evidence label
 - Complete the ATF-F-3312-1 DOJ/ATF Trace form (e-trace);
 - Complete a RPDSSB-02-03 AFS Form;
 - Ensure the firearm is unloaded and booked separately from ammunition (§ 803.4).
 - Book firearm in a manila evidence envelope, write or label "UNLOADED", with an evidence label attached.
 - All forms shall be submitted with the unloaded firearm into the property vault gun locker.
- (b) Officers will subsequently complete and submit an offense report with a copy of the aforementioned forms for approval.

308.3.2 COLLECTION OF SHELL CASINGS

When responding to a crime scene, or any situation where the collection of shell casings will be required, the following procedure should be followed to ensure proper booking and preservation of evidence:

1. Take general photographs of the scene and location of shell casings (department-issued cell phones can be used).
2. Place numbered placards next to shell casings and take a second set of general photographs of casings with numbered placards (If numbered placards are not available disregard this step).
3. Take close-up photographs of each shell casing with a scale in the photograph (The numbered placard, shell casing, and scale should fill the picture frame)
4. Collect shell casings:

Wear gloves when collecting casings.

Each casing should be placed in its own coin-sized envelope to avoid casings from touching each other. Mark the outside of the coin envelope with the numbered placard it was associated with and head stamp information (if no placard was used, number sequentially). Seal each envelope with evidence tape.

Place coin envelopes with casings inside the "Fired cartridge cases for NIBIN entry only" envelope.

5. Seal the large envelope with evidence tape

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6. Complete large envelope information sections. List the current Investigative CSI Detective's information under requesting officer, badge number, and contact information with the e-mail address RPDNIBIN@RICHMONDPD.NET.

7. Place sealed envelope into evidence locker #7.

8. Upload photographs into Evidence.com

308.3.3 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) Complete crime lab submission forms. Send all firearms to the crime lab for NIBIN.
- (c) Maintain in-house firearm information databases and produce regular reports, which analyze patterns in the juvenile acquisition and other trends useful in the planning of strategic resource deployment and intervention efforts;
- (d) Monitor implementation of solutions to problems identified in the analytical reports.

308.3.4 SUPERVISOR RESPONSIBILITY

All first-line supervisors shall ensure 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.

308.3.5 TRACING DATA STORAGE

All trace data information shall be scanned and stored with the original offense report in the MARK43 reporting system. The Property Vault 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.

Vehicle Pursuits

309.1 PURPOSE AND SCOPE

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

309.1.1 DEFINITIONS

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

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

Dwelling - A shelter (such as a house) in which people live.

Inhabited - To occupy as a place of settled residence or habitat.

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

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

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

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

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

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

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

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

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309.2 POLICY

It is the policy of this department to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits. Watch Commanders or Officers in Charge (OIC) shall exercise discretion to both affirmatively authorize and terminate pursuits on a case-by-case basis, while adhering to the outlined guidelines in this policy.

309.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and display emergency lighting and sirens as required by Vehicle Code § 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056). Officers with prisoners, victims, or witnesses in their vehicles, shall not become involved in pursuits.

309.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when the officer reasonably believes that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle and is suspected of committing a violent/dangerous felony as specified in Penal Code §667.5(c), or there is an immediate risk to public safety or personnel are able to articulate a fair probability the suspect is armed with a firearm. Additionally, in all circumstances, personnel shall consider the following:

- The seriousness of the known or reasonably suspected crime and its relationship to community safety. The seriousness of a crime and its relationship to community safety may be aggravated when, based on the totality of the circumstances, personnel are able to articulate a fair probability the suspect is armed with a firearm.
- 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.
- The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- Emergency lighting and siren limitations on unmarked police department vehicles that may reduce the visibility of the vehicle, such as visor or dash-mounted lights,

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concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.

- The suspect and officer vehicle speeds.
- Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- Availability of other resources such as air support or vehicle locator or deactivation technology.

309.3.2 PURSUIT RECOGNITION AND AUTHORIZATION

When an officer attempts to stop a vehicle and the violator fails to yield immediately, there may be a brief period of time where the officer is authorized to follow the violator with lights and siren activated in an effort to stop the violator lawfully. This brief interval allows the officer to gather information and assess the situation to confirm if a specific and articulable suspicion of a violent/dangerous felony has been committed or an immediate threat to public safety exists.

The primary objective of officers shall be to establish a specific and articulable suspicion of a qualifying criminal offense or immediate risk to public safety within a reasonable timeframe. This determination must be made while prioritizing the safety of the public and officers. Officers are prohibited from initiating or continuing a vehicular pursuit absent such articulable suspicion.

The determination of a reasonable pursuit duration shall rest with the Watch Commander (OIC) on a case-by-case basis. Watch Commanders are responsible for affirmatively authorizing all pursuits and shall govern their duration based on the continuation factors included below, prioritizing public and officer safety.

309.3.3 FACTORS TO CONSIDER WHEN TO CONTINUE A PURSUIT

- The seriousness of the known or reasonably suspected crime and its relationship to community safety. The seriousness of a crime and its relationship to community safety may be aggravated when, based on the totality of the circumstances, personnel are able to articulate a fair probability the suspect is armed with a firearm.
- 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.
- The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

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- The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- Emergency lighting and siren limitations on unmarked police department vehicles that may reduce the visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- The suspect and officer vehicle speeds.
- Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- Availability of other resources such as air support or vehicle locator or deactivation technology.

309.3.4 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer, supervisor, or Watch Commander 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 this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers, supervisors, or Watch Commanders must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

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

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

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Whenever a pursuit is self-terminated, or terminated by a supervisor or Watch Commander, the termination shall be broadcasted over the radio. All primary and secondary officers shall acknowledge the order, deactivate all emergency equipment and return to normal driving.

309.3.5 SPEED LIMITS

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

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

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

309.4 PURSUIT UNITS

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

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

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

309.4.1 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.

309.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red lights and sirens are generally prohibited from initiating or joining in any pursuit. Officers in such vehicles, however, may become involved in emergency activities involving 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.

309.4.3 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 the officer is unable to remain reasonably close to the suspect's

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vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

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

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

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

309.4.4 SECONDARY UNIT RESPONSIBILITIES

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

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

309.4.5 PURSUIT DRIVING

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

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

309.4.6 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.

309.4.7 AIR SUPPORT ASSISTANCE

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

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road

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hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact of the pursued vehicle and the air support unit determines that it is unsafe to continue the pursuit, the air support unit should recommend terminating the pursuit.

309.4.8 UNITS NOT INVOLVED IN THE PURSUIT

Officers are allowed to get into a predicted position in advance of the pursuit for Stop Stick placement when approved by a supervisor. The supervisor managing the pursuit and units involved in the pursuit should be informed of the units' location as soon as practicable.

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 not involved in the pursuit should remain in their assigned area and should not become involved unless directed otherwise by a supervisor.

309.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

- (a) Immediately notify the involved unit and the dispatcher of supervisory presence and ascertain all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Richmond Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
 - 1. Supervisors should initiate follow-up or additional reviews when appropriate.

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309.5.1 WATCH COMMANDER RESPONSIBILITIES

Watch Commanders are responsible for the affirmative authorization and termination of pursuits and have the final responsibility for the coordination, control, and shall be in overall command. The Watch Commander should monitor and continually assess the situation to ensure the pursuit is conducted within the guidelines and requirements of this policy.

The Watch Commander is responsible for appointing an Officer in Charge (OIC) to assume full command responsibilities during their periods of unavailability.

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

309.6 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 dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies and units.

309.6.1 COMMUNICATIONS CENTER RESPONSIBILITIES

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

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

309.6.2 LOSS OF PURSUED VEHICLE

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

309.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

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309.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

309.7.2 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 initiating agency and with supervisor approval. Officers may only join allied agency pursuits for offenses listed in this pursuit policy and should discontinue the pursuit once sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from 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) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as 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 authorize officers to join the pursuit, use intervention tactics per department policy, or 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 Richmond 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.

309.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop a pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards

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to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

309.8.1 USE OF FIREARMS

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)). In all situations, officers are expected to exercise sound judgment based on reverence for human life.

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

309.8.2 INTERVENTION STANDARDS

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

- (a) Block shall only be used after considering the following:
 - 1. The technique should only be considered in cases where reasonable suspicion or probable cause to arrest exists for a violent or dangerous felony (see §313.2.2) or impaired drivers who pose an immediate threat to public safety.
 - 2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 3. It reasonably appears the technique will contain or prevent a pursuit.
- (b) The use of tire deflation devices (Stop Sticks) shall be approved in advance by a field supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use as outlined in the Tire Deflation Device policy.
- (c) 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.

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Boxing in, Ramming, and the Pursuit Intervention Technique shall not be used to terminate a pursuit, but remain available for consideration and potential use only when deadly force is justified pursuant to the Use of Force Policy.

309.8.3 CAPTURE OF SUSPECTS

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

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

309.10 REPORTING REQUIREMENTS

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

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The supervisor shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) If the pursuit involves a collision, injuries, deviation from policy, or other special circumstances, the field supervisor shall complete a supervisor's memorandum briefly summarizing the pursuit through their chain of command. The memorandum should include, at a minimum:
 - 1. Date and time of the pursuit.
 - 2. Initial reason and circumstances surrounding the pursuit.
 - 3. Length of pursuit in distance and time, including the starting and termination points.
 - 4. Involved units and officers.
 - 5. Alleged offenses.
 - 6. Whether a suspect was apprehended, as well as the means and methods used.
 - 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force policy).
 - 8. Any injuries and/or medical treatment.
 - 9. Any property or equipment damage.

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10. Name of supervisor at the scene or who handled the incident.
- (d) Chief of PoliceThe pursuit documentation and CHP 187 is entered by the officer involved and forwarded to the supervisor. The supervisor will forward the information to the Watch Commander and Bureau Captain for final review.
- (e) All pursuits shall be documented on the OIC log.

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

309.10.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

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

309.10.2 POLICY REVIEW

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

309.11 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 a 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 a 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 sirens.

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 the Communications Center.

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

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

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 in 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.

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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 whether 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

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.

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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.

Domestic Violence

311.1 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.

311.1.1 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.

311.2 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.

311.3 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.

311.4 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.
 - 1. A lethality assessment should be administered to victims of domestic violence to assess the level of danger and/or the severity of the situation and attached to the appropriate report.
- (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

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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. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.

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11. The social status, community status, or professional position of the victim or suspect.

311.4.1 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.

311.4.2 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.

311.5 VICTIM ASSISTANCE

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

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

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

311.6 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.

311.7 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, Native American tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

311.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms, and efforts to respond to the order.
 1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.
 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify the information.

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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.

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

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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).

311.10 REPORTS AND RECORDS

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

311.11 RECORD-KEEPING AND DATA COLLECTION

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

311.12 SERVICE OF COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by an officer who is present at the scene of a reported domestic violence incident or when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).

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- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
 - 1. An officer should ensure that the Records Section is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Section Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

311.13 PUBLIC ACCESS TO POLICY

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

311.14 DECLARATION IN SUPPORT OF BAIL INCREASE

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

311.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

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

Domestic Violence Lethality Assessment Program (LAP)

312.1 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.

312.2 GENERAL

To establish a protocol and implement the use of the Lethality Assessment Program (LAP) at domestic violence calls for service.

312.3 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:
 - (a) Are married, separated, or divorced;
 - (b) Live or have lived together;
 - (c) Are current or former same-sex partners;
 - (d) Have children in common; or
 - (e) Date, or have dated, but do not live, or have never lived, together.
- (f) **Intimate Partner Violence:** Domestic violence between intimate partners.
- (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.

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- (h) **High-Danger:** A term used for a victim who has been assessed through the use of the Lethality Screen as being at the greatest risk of being killed. The victim is said to be at "High-Danger."

312.4 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:
 - (a) There is reason to believe an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest.
 - (b) 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.
 - (c) Repeated calls for domestic violence complaints at the same location or involving the same parties.
 - (d) 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."

312.5 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.

312.6 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:
 - (a) 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.

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Doing so will also allow the victim to recognize lethality predictors that indicate that she/he is at risk of being killed by her/his intimate partner.

- (b) 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.
- (c) "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 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.

312.7 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.

312.8 HIGH-DANGER VICTIMS AND THE HOTLINE CALL

- (a) If a High-Danger assessment is made, the hotline call shall be implemented as follows:
 - (a) 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.

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- (b) 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
 - (c) 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
 - (d) 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.
 - (e) 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 request a safe phone number for an advocate to follow up with the victim.
 - (f) 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.
 - (g) 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.
 - (h) 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.
 - (i) 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.
- (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]"

312.9 WORKING WITH LIMITED ENGLISH PROFICIENT (LEP) PERSONS

General Principles:

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Domestic Violence Lethality Assessment Program (LAP)

- (a) Working 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.

312.10 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:
 - (a) Maintain a file of lethality screens,
 - (b) Prepare a report as provided in Section 312.13 (Records Reporting) below, and
 - (c) Submit the report to the LAP team coordinator at regular intervals.

312.11 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.

312.12 TRAINING

LAP training shall be provided by LAP-trained staff to all officers before the conclusion of their field-training period.

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Domestic Violence Lethality Assessment Program (LAP)

312.13 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:
 - (a) The number of Lethality Screens attempted;
 - (b) The number of victims assessed as being at High-Danger;
 - (c) The number of victims assessed, but determined not to be at High-Danger;
 - (d) The number of victims that did not respond to all of the screening questions; and
 - (e) The number of victims assessed as being at High-Danger who spoke to a hotline advocate.

Search and Seizure

313.1 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.

313.2 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 laws 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.

313.3 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 in open public areas.

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

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

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Search and Seizure

313.4 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.

313.5 DOCUMENTATION

Officers are responsible to document any search and ensuring 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 are taken to secure the property
- The results of the search, including a description of any property or contraband seized
- If the person searched is of 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

314.1 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 (34 USC § 11133).

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

314.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

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

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

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

314.2 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.

314.3 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).

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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).

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).

314.3.1 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).

314.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

314.4 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 another authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Richmond Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

314.4.1 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 (34 USC § 11133; Welfare and Institutions Code § 206).

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

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314.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

314.4.3 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 taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

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

In all other cases the juvenile offender may be:

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

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

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

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314.5 ADVISEMENTS

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

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

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

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

314.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the 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 (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or local juvenile court authority.

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

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314.7 NO-CONTACT REQUIREMENTS

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

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Richmond Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

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

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

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

314.9 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).

314.10 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.

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314.11 SECURE CUSTODY

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

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

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

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

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

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

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

314.11.1 LOCKED ENCLOSURES

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

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

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

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

314.12 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 (BSCC) within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths pursuant to 15 CCR 1046.
 - 1. A copy of the review report shall be provided to BSCC within 60 days of the death (15 CCR 1046).
- (i) Evidence preservation.

314.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by

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telephone, or by video conference. The consultation may not be waived by the juvenile (Welfare and Institutions Code § 625.6).

Threats, physical harm, deception, or psychologically manipulative interrogation tactics shall not be used by an officer during a custodial interrogation of a juvenile (Welfare and Institutions Code § 625.7).

The requirements to consult with legal counsel or to refrain from the use of prohibited interrogation techniques do not apply when (Welfare and Institutions Code § 625.6; Welfare and Institutions Code § 625.7):

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

314.13.1 MANDATORY RECORDINGS OF JUVENILES

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

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

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

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

314.14 FORMAL BOOKING

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

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

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or the 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

314.15 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.

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

314.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Administration 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).

314.17 TRAINING

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

Senior and Disability Victimization

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Richmond Police Department members as required by law (Penal Code § 368.6).

The Richmond Police Department is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse policy for child abuse investigations and reporting).

315.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

Elder and dependent adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Senior and disability victimization - Means any of the following (Penal Code § 368.6):

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability
- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders

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- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

315.1.2 POLICY

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

315.2 MANDATORY NOTIFICATION

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

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c).

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

- (a) If the abuse 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.
 - 4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (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 as soon as practicable (Welfare and Institutions Code § 15630(b)).
- (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

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

The 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).

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

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

315.2.1 NOTIFICATION PROCEDURE

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

- (a) The name of the person making the report.

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- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.
- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

315.3 INVESTIGATIONS AND REPORTING

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available videos.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes policy for additional guidance).

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- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

Unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

315.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

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

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

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- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

315.4 QUALIFIED INVESTIGATORS

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

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
- (c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance policy for additional guidance).
 - 1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations policy for additional guidance).
 - 2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

315.5 RELEVANT STATUTES

Penal Code § 288 (a) and Penal Code § 288 (b)(2)

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

Penal Code § 368 (c)

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A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

Welfare and Institutions Code § 15610.05

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

- (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:
 - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity

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knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, "representative" means a person or entity that is either of the following:
 - 1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 - 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:
 - 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 - 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
 - 3. False imprisonment, as defined in Section 236 of the Penal Code.
 - 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

- (a) "Neglect" means either of the following:
 - 1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

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2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
 2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 3. Failure to protect from health and safety hazards.
 4. Failure to prevent malnutrition or dehydration.
 5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
 6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 4. Incest, as defined in Section 285 of the Penal Code.
 5. Sodomy, as defined in Section 286 of the Penal Code.
 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 7. Sexual penetration, as defined in Section 289 of the Penal Code.

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8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 1. For punishment.
 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 3. For any purpose not authorized by the physician and surgeon.

315.6 POLICY

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

315.6.1 ARREST POLICY

It is the department policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

315.6.2 ADHERENCE TO POLICY

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

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

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

315.7 PROTECTIVE CUSTODY

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

Generally, members of this department should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim.

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Prior to taking an elder or dependent adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

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

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

315.7.1 EMERGENCY PROTECTIVE ORDERS

In any situation in 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)).

315.7.2 VERIFICATION OF PROTECTIVE ORDER

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

- (a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

315.8 JURISDICTION

The Richmond Police Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

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Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

315.9 RECORDS BUREAU RESPONSIBILITIES

The Records Section is responsible for:

- (a) Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
- (b) Retaining the original elder or dependent adult abuse report with the initial case file.

315.10 INTERVIEWS

315.10.1 PRELIMINARY INTERVIEWS

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

315.10.2 DETAINING VICTIMS FOR INTERVIEWS

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

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

315.10.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

315.11 MEDICAL EXAMINATIONS

When an elder or dependent adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency,

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or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

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

315.12 DRUG-ENDANGERED VICTIMS

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

315.12.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

- (a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigations Division supervisor so an interagency response can begin.

315.12.2 SUPERVISOR RESPONSIBILITIES

The Investigations Division Commander should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community-specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigations Division Commander that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

315.13 TRAINING

The Department should provide training on best practices in elder and dependent adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.

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- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
- (f) Availability of victim advocates or other support.

315.13.1 MANDATORY TRAINING

The Training Sergeant shall ensure that appropriate personnel receive the required training, including:

- (a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).
- (b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).
 - 1. Training should include the following:
 - (a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).
 - (b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Training Sergeant shall also ensure that appropriate training is provided on this policy to dispatchers, community services officers, front desk personnel, and other civilian personnel who interact with the public (Penal Code § 368.6 (c)(7)).

315.14 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including department protocols in this policy, including but not limited to the following:
 - 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).

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Senior and Disability Victimization

2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
 3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- (c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.
 - (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
 - (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
 - (f) Ensuring that all members carry out their responsibilities under this policy.
 - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
 - (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

315.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Chief of Police or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

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Senior and Disability Victimization

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

Discriminatory Harassment

316.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

316.2 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 (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

316.3 DISCRIMINATION PROHIBITED

316.3.1 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.

316.3.2 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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Discriminatory Harassment

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

316.3.3 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

316.3.4 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

316.3.5 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

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316.4 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.

316.4.1 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.

316.4.2 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) The 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.

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- (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.

316.5 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.

316.5.1 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.

316.5.2 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.

316.5.3 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

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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.

316.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and action(s) taken to remedy the complaint.

316.7 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

316.8 WORKING CONDITIONS

The Administration Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (2 CCR 11034).

316.9 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment, and transgender rights in a prominent and accessible location for members (Government Code § 12950).

316.10 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Resources, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

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316.10.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Resources, the City Manager, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

316.10.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the 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.

316.11 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

316.11.1 STATE-REQUIRED TRAINING

The Training Sergeant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

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- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Sergeant should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

316.11.2 TRAINING RECORDS

The Training Sergeant shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

Child Abuse

Effective Date:	
Revised Date:	08 January 2024
Issuing Authority: Captain J. Lopez	

317.1 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.

317.1.1 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).

317.2 POLICY

The Richmond Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

317.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

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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, daycare), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

317.3.1 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.

317.4 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).

317.5 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.

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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., sudden or unexplained death of an infant).

317.5.1 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).

317.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

- (a) Name and telephone number
- (b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

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If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

317.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
 - 1. The child has an immediate need for medical care.
 - 2. The child is in immediate danger of physical or sexual abuse.
 - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 - 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 - 2. There is no lawful custodian available to take custody of the child.
 - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.

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4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

317.6.1 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.

317.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

317.7 INTERVIEWS

317.7.1 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.

317.7.2 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.

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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.

317.7.3 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).

317.8 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.

317.9 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.

317.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division Commander 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 a Watch Commander notifies the Investigations Division Commander 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.

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317.9.2 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 Watch Commander so an interagency response can begin.

317.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

317.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release policy (Penal Code 841.5; Penal Code § 11167.5).

317.10.2 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.

317.10.3 CACI HEARING OFFICER

The Investigations Division Commander 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.

317.10.4 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., a certified copy of an acquittal, the 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

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- (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 is 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.

317.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation (Penal Code § 11174.32).

317.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

318.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

318.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play
- A person missing and in need of medical attention
- A missing person with no pattern of running away or disappearing
- A missing person who may be the victim of parental abduction
- A mentally impaired missing person, including cognitively impaired or developmentally disabled

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away, or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily, or under circumstances that do not conform to their ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks that are available to law enforcement and that are suitable for obtaining information related to missing persons investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the California Law Enforcement Telecommunications System (CLETS), the Missing Person System (MPS), and the Unidentified Persons System (UPS).

318.2 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 an investigation reveals 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 § 14211).

318.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations Division Commander 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

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- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

318.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

318.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out (BOLO) bulletin" if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- (g) Collect and/or review:
 1. A photograph and a fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

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3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

318.6 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.

318.6.1 SUPERVISOR RESPONSIBILITIES

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

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

318.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen (Penal Code § 14211).
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

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- (d) Forwarding a copy of the report to the Investigations Division.
- (e) Coordinating with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

318.7 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

318.7.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

318.8 INVESTIGATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

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- (b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

318.9 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 is 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 inactive if all investigative leads have been exhausted, the lead agency has been notified, and entries are made in the applicable missing person networks as appropriate.
- (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.

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318.10 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:
 - 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

Effective Date:	
Revised Date:	08 January 2024
Issuing Authority: Captain J. Lopez	

319.1 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.

319.2 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.

319.3 RESPONSIBILITIES

319.3.1 MEMBER RESPONSIBILITIES

Members of the Richmond Police Department should notify their supervisor, Watch Commander, or Investigations Division Commander 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.

319.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based on 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

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319.4 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.

319.4.1 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.

319.4.2 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 the location of the incident, the direction of travel, potential destinations, if known
 - 6. Name and telephone number of the Public Information Officer or other authorized individuals 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).

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(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

319.5 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.

319.5.1 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.

319.5.2 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 the location of the incident, the direction of travel, potential destinations, if known
 5. Name and telephone number of the Public Information Officer or other authorized individuals to handle media liaison
 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:

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1. Entry into the California Law Enforcement Telecommunication System (CLETS)
2. The FBI local office

319.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

319.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.
- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

319.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

319.7 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications 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. The Watch Commander will provide 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.

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- (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 facility 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 facility.

319.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

319.8.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

319.8.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

319.9 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

319.9.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
 - 1. The complete license plate number of the suspect's vehicle.

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2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
3. The identity of a suspect.
4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

319.9.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

319.10 FEATHER ALERT

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

319.10.1 CRITERIA FOR FEATHER ALERT

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Department has utilized local and tribal resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

319.10.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

319.11 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

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319.11.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

- (a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
- (b) The Department has utilized all available local resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

319.11.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

319.12 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

319.12.1 CRITERIA FOR EBONY ALERT

The investigating officer may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.
- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (f) The Department has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

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319.12.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

Victim and Witness Assistance

320.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

320.2 POLICY

The Richmond Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members 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.

320.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the 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.

320.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 - 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Richmond Police Department jurisdiction (Penal Code § 680.2).

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- (g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Department, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

320.4 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.

320.4.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

320.5 VICTIM INFORMATION

The Investigations Division Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.

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- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

320.6 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.

320.7 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 the 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 is 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 with 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.

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320.8 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 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 Manager 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.

320.9 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

321.1 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.

321.1.1 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.

321.1.2 PROCEDURE

- (a) The Rewards Program Manager will be the Investigations Division Lieutenant (or other manager designated by the Captain of the Investigations Bureau) 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 Investigations Bureau 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.

321.1.3 CLAIMING AND COLLECTING REWARD

- (a) Claim forms for rewards are available at the Richmond Police Department;
- (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

322.1 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

322.2 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Richmond Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

322.2.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

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Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:

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1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

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Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, officers should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

322.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

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322.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab, Middle Eastern, Islamic, lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ), Black, Native American, immigrant, Jewish, Asian American, and Pacific Islander communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Training Sergeant to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Section for mandated reporting to the California Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Section Policy.

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- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- (o) Annually assessing this policy, including:
 - 1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
 - 2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

322.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release policy or as allowed by law. In accordance with the Media Relations policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

322.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

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322.4.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. The offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.

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6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

322.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence policy, such as:
 1. Hate literature.
 2. Spray paint cans.
 3. Threatening letters.
 4. Symbols used by hate groups.
 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 1. Identity of suspected perpetrators.

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2. Identity of witnesses, including those no longer at the scene.
 3. Offer of victim confidentiality per Government Code § 7923.615.
 4. Prior occurrences, in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.
 6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 2. Provide ongoing information to victims about the status of the criminal investigation.
 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

322.4.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.

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3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

322.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation (Penal Code § 13519.6).

Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

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- (d) When a gun violence restraining order may be appropriate for prevention of hate crimes (Penal Code § 13519.6).

322.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

[Supplemental Hate Crime Report.pdf](#)

Standards of Conduct

323.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Richmond Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

323.2 POLICY

The continued employment or appointment of every member of the Richmond Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

323.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

323.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

323.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

323.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

323.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

323.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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323.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Richmond Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

323.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

323.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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323.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

323.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
 - (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

323.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Chief's Office of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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323.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresent material facts, or making any false or misleading statement on any application, examination form, or other official documents, report, or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any department record, public record, book, paper, or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - (a) While on department premises.
 - (b) At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - (c) Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity includes:
 - (a) Unauthorized attendance while on-duty at official legislative or political sessions.
 - (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

323.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

323.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

323.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

324.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Richmond Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

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

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

324.2 POLICY

It is the policy of the Richmond Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

324.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

324.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

324.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

324.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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324.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

324.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email, or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices policy for guidelines regarding the off-duty use of personally owned technology.

324.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

324.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

325.1 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.

325.1.1 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.

When permission is obtained to hold a report, employees shall create a report in the report writing system and indicate which supervisor approved holding the report. It is the responsibility of the approving supervisor to ensure the held report is completed in a timely manner.

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.

325.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

325.2.1 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

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- (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

325.2.2 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

325.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

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325.2.4 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.

325.2.5 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.

325.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

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

325.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost/Mislaid property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number, or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information.
- (e) Stolen vehicle attempts with no suspect information.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.
- (k) Custody Order Violations.

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- (l) Trespass to Vehicle or Property with no suspect information.

Members at the scene of one of the above incidents should also refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

325.3 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.

325.3.1 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.

325.3.2 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.

325.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should state the reason for rejection in the report writing system. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

325.5 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.

325.6 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.

Media Relations

326.1 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.

326.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

326.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Based on available resources, a reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokespeople.
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

326.3.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

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326.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

326.4 POLICY

It is the policy of the Richmond Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

326.5 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

326.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

326.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

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Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

326.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release policy and public records laws.

326.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

326.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, the extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has

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been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release policy).

Subpoenas and Court Appearances

327.1 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.

327.1.1 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.

327.2 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.

327.2.1 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.

327.2.2 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.

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327.2.3 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.

327.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing 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)).

327.2.5 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.

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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.

327.2.6 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.

327.2.7 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.

327.3 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.

327.3.1 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.

327.3.2 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.

327.3.3 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.

327.4 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.

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327.5 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.

327.5.1 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.

327.5.2 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.

327.6 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.

327.7 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

328.1 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.

328.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

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.

328.2.1 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.

328.2.2 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.

328.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

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.

328.3 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 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.

328.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all department 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.

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328.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

328.3.3 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

328.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

328.4.1 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.

328.4.2 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 Field Training Officer (FTO) 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.

328.4.3 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.

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328.4.4 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.

328.4.5 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.

328.4.6 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.

328.4.7 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.

328.5 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). 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.

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328.5.1 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.

328.5.2 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.

328.5.3 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. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

328.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

328.5.5 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.

328.5.6 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.

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328.6 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.

328.6.1 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.

328.6.2 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 department standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a department 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 the Field Training section), 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 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 as a Reserve Officer with the Richmond Police Department.

328.6.3 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

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- (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

328.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

328.7.1 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.

Outside Agency Assistance

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

329.1.1 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.

Absent exigent circumstances, all outside agency requests for assistance on criminal investigations involving law enforcement personnel as targets in the criminal investigation shall be approved by the Assistant Chief of Police or designee and coordinated through the Office of Professional Accountability.

When such assistance is rendered, a case number will be issued to report the action taken by Richmond Police Department personnel.

329.2 POLICY

It is the policy of the Richmond Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

329.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances,

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and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

329.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Richmond Police Department shall notify his/her supervisor or the Watch Commander and Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

329.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

329.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

329.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.

Language Access Services for Limited English Proficient (LEP) Persons

330.1 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.

330.2 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.

330.3 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. The Department will provide all members with training in interpreting techniques, roles,

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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.

330.4 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.

330.5 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.

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- (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.

330.6 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 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.

330.7 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 should have Voice Interpreter access on cell phones and desk phones:
 - (a) Dial 1-844-541-3961 to access the interpretation services.
 - (b) When prompted, enter the five-digit account number: 24146.
 - (c) At the second prompt, enter the four-digit PIN number: 0710
 - (d) Press "1" for Spanish or "0" for all others.
 - (e) 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.

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- (f) When using telephone interpretation services, officers should be aware of confidentiality, privacy, and extraneous noise when using speakerphone capability.

330.7.1 WORKING EFFECTIVELY WITH A TELEPHONE INTERPRETER

- Allow the interpreter to greet you and the citizen.
- Write the interpreter ID number for your police report.
- Speak in the first person.
- Use short but complete phrases.
- Avoid slang, jargon, or metaphors.
- Allow the interpreter to clarify linguistic and cultural issues.
- Report any issues to Voiance using an online feedback form: [Feedback Form](#)

330.7.2 TELEPHONE INTERPRETATION SERVICES AVAILABLE

See attachment: [Interpretation Service Languages.JPG](#)

330.8 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.

330.9 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.

330.10 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?”

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“How did you learn English/target language?”

330.11 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.**

330.12 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.**

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330.13 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

330.14 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.

330.15 LANGUAGE ACCESS MONITORING AND TRAINING

The Administration Division 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.

330.16 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

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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

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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.

Registered Offender Information

331.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Richmond Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

331.2 POLICY

It is the policy of the Richmond Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

331.2.1 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.

331.2.2 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.

331.2.3 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.

331.3 REGISTRATION

The Investigations Division Commander shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

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331.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

331.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Division Commander 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 Commander 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.

331.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Richmond Police Department's website. Information on sex registrants placed on the Richmond Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Manager may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

331.5.1 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

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- (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).

331.5.2 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).

331.5.3 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)).

331.5.4 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)).

331.5.5 INFORMATION PROHIBITED FROM INTERNET RELEASE

The following information shall not be released over the department Internet Web site (Penal Code Section 290.46(a)):

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- 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.

331.5.6 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.
 - 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.

Major Incident Notification

332.1 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.

332.2 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.

332.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Richmond official
- Arrest of a department employee or prominent Richmond official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

332.4 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 department-issued mobile telephone number first and then by any other available contact numbers.

332.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification policy, the Chief of Police shall be notified along with the Bureau Command that is most affected by the incident.

332.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the Investigations Division Commander shall be contacted who will then contact the appropriate detective.

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332.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Lieutenant shall be notified who will then contact the appropriate accident investigator.

332.4.4 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

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

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 and use of appropriate resources and evidence gathering techniques is critical.

333.2 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.

333.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

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- (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.

333.2.2 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.

333.2.3 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.

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333.2.4 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.

333.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

333.2.6 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.

333.2.7 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 immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

333.3 POLICY

It is the policy of the Richmond Police Department to respond to, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including deaths from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

333.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

333.5 DEATH NOTIFICATION

When reasonably practicable, 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 a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Identity Theft

334.1 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.

334.2 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

335.1 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.

335.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall make a good faith effort to inform victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest unless the officer makes an arrest for a violation of Penal Code §243(e) or 273.5. 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.

335.3 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.

335.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
 1. Take the individual into physical custody for booking
 2. Release the individual pursuant to a Notice to Appear
 3. Release the individual pursuant to Penal Code § 849

335.5 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

336.1 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.

336.1.1 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 Crime Scene Investigator assigned to the Investigations Section.

336.2 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 Division Crime Scene Investigator (CSI) would be responding to the scene. Should it be determined that the Investigations CSI would be responding to the scene, the Patrol Evidence Technician should preserve the scene pending arrival of the Detective CSI. 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 Division CSI and detectives.

336.2.1 SUPERVISION

- (a) The Evidence Technician Program shall consist of Evidence Technicians assigned to Patrol Teams by Patrol Division Supervisors and a Detective Crime Scene Investigator assigned to the Investigations Section.
- (b) The Detective CSI assigned to the Investigations Section will be supervised by the Sergeant of the Homicide Unit. The Homicide Sergeant shall review the performance of the Detective CSI and his/her suitability to remain in the program shall be determined through that evaluation.

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Evidence Technician Program

- (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.

Communications with Persons with Disabilities

337.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

337.1.1 DEFINITIONS

Definitions related to this policy include:

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

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

337.2 POLICY

It is the policy of the Richmond Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

337.3 TYPES OF ASSISTANCE AVAILABLE

Richmond Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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337.4 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

337.5 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

337.6 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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337.7 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

337.8 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

337.9 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

337.10 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

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

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

337.10.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

337.11 CUSTODIAL INTERROGATIONS

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

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution policy.

337.12 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

337.13 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

337.14 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

337.15 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.

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- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

337.15.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Mandatory Employer Notification

338.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

338.2 POLICY

The Richmond Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

338.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or designee is required to report the arrest as follows.

338.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

338.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

338.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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338.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

338.4 ARRESTS OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program, or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

338.5 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

False Alarm Procedures

339.1 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.

339.2 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.

339.3 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

340.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Richmond Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

340.2 POLICY

The Richmond Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

340.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

340.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Richmond Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

340.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

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Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

340.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Richmond Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Richmond Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

340.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or another designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting, and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.

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- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

340.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Richmond Police Department.

340.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program policy and other applicable policies.

340.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with 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 the authorized designee.
- (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 has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Department.
- (f) In responding to incidents, a chaplain shall never function as an officer.
- (g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

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- (h) Chaplains shall serve only within the jurisdiction of the Richmond Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

340.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

340.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

340.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.

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- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

340.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

340.8 PRIVILEGED COMMUNICATIONS

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, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Richmond Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

340.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

Public Safety Video Surveillance System

341.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

341.2 POLICY

The Richmond Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

341.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

341.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation, or other obstructions, should also be evaluated when determining placement.

The cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public video surveillance system may be useful for the following purposes:

- (a) To prevent, deter, and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending, and prosecuting offenders.

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- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Watch Commander's office and Communications Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Watch Commander or trained personnel in Communications Center are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention is prohibited.

341.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

341.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information as allowed by federal, state, and local laws. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition, and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

341.4 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.

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341.4.1 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.

341.4.2 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

341.4.3 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

341.5 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Richmond Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

341.6 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or

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any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

341.7 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

342.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

342.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Richmond Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

342.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends, and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian, or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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342.3.1 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.

342.3.2 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

342.3.3 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any

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child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

342.4 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Service Animals

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

343.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

343.2 POLICY

It is the policy of the Richmond Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

343.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with

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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

343.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Richmond Police Department affords to all members of the public (28 CFR 35.136).

343.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

343.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

343.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

343.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany

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their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Volunteer Program

344.1 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.

344.1.1 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.

344.2 VOLUNTEER MANAGEMENT

344.2.1 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) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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344.2.2 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.

344.2.3 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. Fingerprints 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.

344.2.4 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.

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344.2.5 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.

344.2.6 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.

344.2.7 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.

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344.3 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.

344.4 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.

344.5 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.

344.5.1 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:

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- (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.

344.5.2 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.

344.6 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.

344.6.1 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.

344.7 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.

Off-Duty Law Enforcement Actions

345.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Richmond Police Department with respect to taking law enforcement action while off-duty.

345.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

345.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

345.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

345.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 911 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a Richmond Police Department officer until acknowledged. Official identification should also be displayed.

345.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

345.4.3 PROFESSIONAL STAFF RESPONSIBILITIES

Professional Staff should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

345.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed detective in public, uniformed officers should wait for acknowledgment by the non-uniformed officer in case he/she needs to maintain an undercover capability.

345.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Peer Support Team Program

346.1 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.

346.2 COMPOSITION

The Chief of Police may appoint any qualified department employee to the Peer Support Team. The Peer Support Team shall consist of 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.

346.3 CRITICAL INCIDENTS

Critical incidents that require a Peer Support Team assessment shall include, but are not limited to:

- (a) All officer involved shootings where 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 in an incident involving multiple deaths;
- (d) Infant or child's death;
- (e) A 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 (including non-work-related challenges such as; the death of a 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 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.

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346.4 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.

346.5 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.

346.6 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 this policy;
 3. Be empathetic and possess interpersonal and communication skills;
 4. Be motivated;
 5. Successful review of the individual's department personnel file;
 6. Must be willing to attend and successfully complete training programs;
 7. Must attend quarterly meetings;

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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 meets the criteria outlined in this policy 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.

346.7 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.

Tire Deflation Devices

347.1 PURPOSE AND SCOPE

Vehicle pursuits can pose a significant risk to the public. Police officers must continually weigh the risk posed by vehicle pursuits against the need to prevent suspects from escaping. The Richmond Police Department utilizes tire deflation devices to prevent vehicle pursuits or to safely resolve police pursuits under controlled conditions.

347.1.1 TIRE DEFLATION DEVICE

A tire deflation device causes the controlled release of air from the tires of a target vehicle, thus permitting the driver to remain in control and safely bring the vehicle to a stop. The only authorized tire deflation device is the Stop Stick manufactured by Stop Stick, LTD.

347.2 AUTHORIZED USE

1. Only those officers that have completed Stop Stick training provided by the Department may carry or deploy the device.
2. All deployments must be approved by a supervisor. Supervisors should consider the following prior to authorizing the use of a Stop Stick.
 - (a) The need to end the pursuit and/or capture the suspect(s).
 - (b) The feasibility of deploying the device successfully.
 - (c) Overall safety to the officer and public where the device is deployed.

347.3 DEPLOYMENT LOCATION

When determining a suitable deployment location, officers should consider the potential collateral damage to citizens' property, pedestrians, and other motorists resulting from the target vehicle's impact with the Stop Stick. The following should be considered when selecting a deployment location.

1. Anticipated and actual pedestrian/motorist presence at the deployment location.
2. Anticipated and actual pedestrian/motorist presence in the target vehicle's path of travel beyond the Stop Stick point of impact.

347.4 DEPLOYING OFFICERS

1. Officers other than those operating the primary and secondary positions in pursuit will be responsible for the deployment of a Stop Stick and should deploy the device in the roadway ahead of the suspect's anticipated direction of travel.
2. Before deploying a Stop Stick, officers should notify the Communications Center of the intended location and specific lanes of travel. Communications will then broadcast this information to units and agencies involved in the pursuit.
3. Officers should deploy Stop Sticks in a safe manner without jeopardizing their safety and the safety of bystanders and innocent motorists.

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4. Deployment of Stop Sticks in the deployment sleeve with the retractable cord reel shall be the sole method for deploying the device on moving vehicles. Officers shall not throw Stop Sticks under the tires of approaching vehicles.
5. Officers should move to a position of safety, preferably a location that provides both concealment and physical protection from the approaching suspect vehicle.
6. Officers should recognize the dangers posed by a target vehicle attempting to avoid a Stop Stick and identify an avenue of escape in the event a suspect attempts to avoid the device.
7. Officers should avoid deploying Stop Sticks near steep embankments, curves, or obstacles that limit the deploying officer's view of traffic and the approaching pursuit.
8. Officers should avoid deploying Stop Sticks on wet surfaces, gravel, or loose pavement as these surfaces may increase the likelihood of a suspect losing control of the target vehicle.
9. Officers should use extreme caution when target vehicles are traveling at excessive speeds as there is an increased risk of the suspect losing control of their vehicle when tires are deflated above normal highway speeds.
10. Stop Sticks may be deployed as a single unit or in a combination of two or more sets depending on the width of the roadway to be covered and available time to safely deploy them.
11. When possible, assisting officers should prevent vehicular and pedestrian traffic from entering the deployment area.
12. Supervisors should proceed to the area of intended deployment when possible, however, a supervisor is not required to be on scene at the time of deployment.
13. Officers should retract the device immediately following the passage of the suspect vehicle to avoid damage to police units and other vehicles.
14. Officers should remove the Stop Stick from the roadway when no further need for deployment exists and it is safe to retrieve the device.

347.5 DOCUMENTATION

1. Whenever a suspect vehicle strikes a Stop Stick, the deploying officer shall document the incident in a crime or supplement report and include the following.
 - (a) Reason for using the Stop Stick.
 - (b) Specific actions and results regarding deployment of the device.
 - (c) Stop Stick serial number.
 - (d) Description of any damaged property.
 - (e) Any injuries resulting from the use of the Stop Stick.
2. The officer completing the Blue Team pursuit report shall indicate that a Stop Stick device was utilized.
3. Photographs taken at the scene should include the following.

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- (a) Stop Stick placement location.
- (b) Attempts to evade the device (tire marks, skid marks, damage to vegetation, etc.).
- (c) Evidence at the device area of impact.
- (d) Target vehicle final resting place.
- (e) Property damage.
- (f) Injuries.
- (g) The damaged Stop Stick removed from the nylon sleeve.

347.6 STOP STICK REPLACEMENT

Officers successfully deploying a Stop Stick device shall complete an online Stop Stick Deployment Report by end of shift and email a copy of the report to the EVOC coordinator. The damaged Stop Stick device shall be delivered to the EVOC coordinator for replacement.

[Stop Stick Deployment Report](#)

347.7 DAMAGE TO UNRELATED VEHICLES/PROPERTY

1. If a Department vehicle is damaged, a supervisor shall document the incident per department property damage procedures.
2. If a vehicle belonging to an uninvolved citizen is damaged, a supervisor will respond to conduct the following:
 - (a) Offer the citizen a courtesy transport if available and necessary.
 - (b) Offer to tow the damaged vehicle at department expense, using a rotational tow service, to a local repair facility chosen by the citizen.
 - (c) Document the incident in accordance with department property damage procedures.
 - (d) Provide the citizen with the case number for the incident and a City Claim form.
3. In the event an injury or death occurs as a result of a vehicle striking a Stop Stick, the Stop Stick device shall be booked into evidence.

347.8 PURSUIT PREVENTION

Stop Sticks can also be used on stationary vehicles to prevent a pursuit from occurring. Potential uses include any situation when the target vehicle is stationary such as warrant service, SWAT operations, stake-out of suspect vehicles, sideshows, and sobriety checkpoints. Only those officers trained in the proper deployment of Stop Sticks may deploy them on stationary vehicles and should consider the following.

1. Use cover and concealment to safely approach a vehicle to deploy a Stop Stick.
2. Place Stop Sticks approximately six inches in front or behind the vehicle to avoid detection from the approaching suspect.

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3. After Stop Stick placement, find a defensible place that will allow for the safe deployment of the Stop Stick.
4. Place multiple devices in front of and behind the suspect vehicle in plain sight to deny the suspect the use of the vehicle.

347.9 STOP STICKS PROHIBITED

Stop Sticks shall not be used under the following conditions.

1. When transporting prisoners.
2. To resolve pursuits involving motorcycles, unless deadly force is justified.
3. When other police vehicles are so close they will not be able to avoid striking the device.
4. With the deployment cord wrapped around any body part.

347.10 OUTSIDE AGENCY REQUESTS

Supervisors may approve the deployment of the Stop Stick to assist another agency outside of the city limits. A supervisor must be present at the deployment location and follow the procedures set forth in this policy.

Department Use of Social Media

348.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression, and Social Networking policy).
- Use of social media in personnel processes (see the Recruitment and Selection policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution policy).

348.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

348.2 POLICY

The Richmond Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

348.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

348.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

348.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

348.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Richmond Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

348.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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348.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

348.7 RETENTION OF RECORDS

The Administration Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

348.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Gun Violence Restraining Orders

349.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

349.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

349.2 POLICY

It is the policy of the Richmond Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

349.3 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
 - 1. A temporary emergency gun violence restraining order.
 - 2. An ex parte gun violence restraining order.
 - 3. A gun violence restraining order issued after notice and hearing.
 - 4. Renewal orders.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including (Penal Code § 18108; Penal Code § 18155):
 - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 - 2. Whether the potential victim is within close proximity.
 - 3. Whether the person has expressed suicidal tendencies.
 - 4. Whether the person has access to firearms.
 - 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.

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6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the Records Manager for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order (Penal Code § 18108).
- (d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear and participate in the evidence presentation process (Penal Code § 18108).
- (h) Coordinating with the Training Sergeant to ensure officers remain current with the following (Penal Code § 18108):
1. Types of evidence a court considers when determining whether grounds exist for the issuance of a gun violence restraining order as provided in Penal Code § 18155 (Grounds for gun violence restraining order; examination by court).

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2. The different procedures and protections afforded by different types of firearm-prohibiting emergency protective orders that are available to law enforcement petitioners.
 - (i) Establishing standards and procedures for addressing violations of a gun violence restraining order (Penal Code § 18108).
 - (j) Establishing procedures for officers to provide information about mental health referral services during contact with persons exhibiting mental health issues (Penal Code § 18108).

349.4 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

349.4.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a residence that is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns, possesses, or expresses an intent to acquire a firearm.
- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions, if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm or expresses intent to obtain a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

349.5 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

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- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence policy.

349.5.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

349.6 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service policy. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed, or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

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- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

349.7 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

349.8 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence policy.

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349.9 STORAGE AND RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be stored in accordance with the Property and Evidence Policy.

Firearms and ammunition shall be returned to the restrained person upon the expiration of the order in accordance with Penal Code § 18120 and the Property and Evidence Policy (Penal Code § 18108).

349.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigations Division supervisor is responsible for the review of a gun violence restraining order (including temporary or ex parte orders) obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

349.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

349.12 TRAINING

The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Native American Graves Protection and Repatriation

350.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

350.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

350.2 POLICY

It is the policy of the Richmond Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

350.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

350.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

Community Relations

351.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes policy.
- Limited English Proficiency Services policy.
- Communications with Persons with Disabilities policy.
- Chaplains policy.
- Patrol Function policy.
- Suspicious Activity Reporting policy.

351.2 POLICY

It is the policy of the Richmond Police Department to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

351.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Communications Center of their location and status during the foot patrol.

351.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or authorized designee and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.

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- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Patrol Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending City council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

351.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

351.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

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- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

351.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

351.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Along policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

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351.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

351.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Sergeant should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

351.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

351.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community

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advisory committee to identify information that may increase transparency regarding department operations.

351.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Online Reporting System

352.1 PURPOSE AND SCOPE

It is the policy of the Richmond Police Department to provide online reporting services to the community.

352.2 PROCEDURE GUIDELINES

The Richmond Police Department will respond to in-progress incidents and all crimes with evidence or information, which may lead to the identity of a suspect and his/her apprehension, or if the incident just occurred and there is a likelihood the suspect may still be in the area.

The following crimes and reports may be referred to the online reporting system:

- (a) All thefts without suspect information (excluding stolen vehicles, license plates, firearms, or any materials threatening to public safety, i.e., explosives or highly toxic substances).
- (b) Auto burglaries without suspect information.
- (c) Vandalism without suspect information when it is not a hate crime as described in the Hate Crimes policy.
- (d) Annoying telephone calls without threats of immediate bodily harm or death.
- (e) Lost property when the total loss value is less than \$50,000 and does not include a firearm, license plate, vehicle, or motorcycle.
- (f) Hit-and-run accidents without suspect information, a suspect's license plate number, or the current location of the suspect vehicle.
- (g) Identity theft, except in cases where the crime occurred in Richmond and the suspect can be located locally.
- (h) Fraudulent use of a credit card when there is no suspect information.
- (i) Custody order violations.

352.2.1 PROFESSIONAL STAFF RESPONSIBILITIES

When communications or records personnel receive a call from a citizen wishing to report an incident, the dispatcher or records clerk will determine if the call falls within the scope of an online report. If so, the dispatcher or records specialist shall:

- (a) Determine if the caller has internet access and if not, provide suggestions for public internet access at the Richmond Main library or police department lobby.
- (b) Inform the caller this type of incident can be reported online, allowing them to file the report immediately, and print a free copy at home once the report is approved.
- (c) Explain the online reporting process and the requirements of the party filing the report. Advise of the review process, and the potential for further investigation should suspect leads be developed.

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- (d) Advise the caller of the Richmond Police Department website address: www.ci.richmond.ca.us/82/Police-Department and the link 'Start an Online Police Report'.
- (e) Should the caller insist on police response, or would like the report taken over the phone, an officer will be dispatched based on priority or the caller will be transferred to the on-duty watch commander for assistance. At no time will a caller be told they must complete their report online.

352.2.2 FIELD PERSONNEL RESPONSIBILITIES

Field personnel dispatched to a call for service that meets the online reporting criteria may suggest the use of online reporting to the reporting party. If the caller does not wish to make an online report, personnel should author the appropriate crime report per the Report Preparation policy.

352.2.3 WATCH COMMANDER/PATROL SERGEANT RESPONSIBILITIES

Watch commanders, or in their absence patrol sergeants, have the discretion to not send officers to non-emergency calls that can be reported through the online reporting system. In the event a non-response is determined, the approving lieutenant or sergeant should inform the caller why an officer will not be responding and clear the call with an NPA (No Police Response).

352.2.4 APPROVING OFFICIAL RESPONSIBILITIES

- (a) The designated approving official will review online reports and import approved reports from the online reporting system in a timely manner. If an online report is misclassified the approving official will reclassify the report according to the elements of the offense described by the citizen author.
- (b) The approving official should refrain from making any corrections to online reports with the exception of a misclassified report. Approving officials may modify a report classification to fit the most appropriate section.
- (c) If the approving official rejects a report, the reason for rejection will be appropriately and professionally noted in the rejection box, which is sent via email to the citizen.
- (d) The approving official shall request a patrol response when circumstances indicate an investigation is warranted. In this circumstance, a rejection should be sent to the reporting party with a note that an officer will be contacting him/her for further information.
- (e) If items such as stolen property or lost serialized property need to be entered into CLETS, the approving official should forward an approved report to the Records Section to ensure completion of the CLETS entry.
- (f) After online reports have been approved and merged, the approving official should check RMS to verify the crime codes match the report classification and all information has been uploaded properly.

Police Department Building Security Camera System

353.1 PURPOSE AND SCOPE

This policy applies to all Police Department maintained security cameras that have monitoring and/or recording capabilities. Its purpose is to manage the use of security cameras located at the Richmond Police Department in a manner consistent with legal privacy rights.

353.2 GENERAL PRINCIPLES

- A. The principal objective of security camera monitoring and/or recording is to enhance safety in and around the Richmond Police Department building.
- B. Information obtained through security camera video monitoring and/or recording will be used exclusively for safety, security, and other legitimate law enforcement purposes and will only be released in accordance with this policy or as required by law.
- C. Security cameras shall only be installed in public areas and monitor areas where there is no reasonable expectation of privacy.

353.3 PROCEDURE

- A. Security camera footage shall only be viewed by the designated Security System Manager or personnel authorized by the Chief of Police.
- B. Personnel shall not disseminate information obtained through the monitoring of security cameras unless such release complies with the law, this policy, or any other Police Department information-release policies.
- C. Security camera locations and fields of view shall be determined by the Chief of Police or designee in order to maximize and enhance department and public safety, and to secure areas critical to police and building operations.
- D. Those designated by the Chief of Police may be provided viewing rights for the purposes of public safety and a need/right-to-know standard. Those designated by the Chief of Police to provide system oversight may be provided access/permissions to view, review, and/or extract video.

353.3.1 RESPONSIBILITIES

- A. The Police Department has operational oversight and the primary responsibility for ensuring adherence to this policy.
- B. This policy does not create an affirmative duty upon the Police Department to monitor security camera equipment on a continuous basis.

353.3.2 TRAINING/OVERSIGHT

All personnel operating the security camera system will be trained in the technical and legal parameters of appropriate system use.

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353.3.3 RETENTION, EXTRACTION, AND STORAGE PROCEDURE

- A. Routinely recorded video should be stored and retained in accordance with the established records retention schedule and for a minimum of seven days. Video of evidentiary value shall be secured and maintained for one year and will be deleted unless the video footage is retained as part of a police investigation, claim filed, pending litigation, criminal proceeding, or alleged misconduct (Government Code § 34090.6). Purging of the system will be automatically set based on the City of Richmond's retention schedule.
- B. Video footage extracted and transferred onto digital media for the purposes outlined above shall be logged that it was copied, marked with an incident number, the extracting employee's name and serial number.
- C. Under no circumstances shall employees (Police or City Staff) access the system without the proper training and approval by the Chief of Police or designee.

353.4 AUDITS

The Security System Manager will ensure that responsible monitoring/recording practices are followed by conducting regular audits of the security camera system.

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. The data collected is also shared at neighborhood council meetings and neighborhood watch meetings.

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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 lineups 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 lineup room and the Investigations Division for the 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.

Bias-Based Policing

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 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

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, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

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Bias-Based Policing

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by Government Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Richmond Police Department is the primary agency, the Richmond Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

401.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

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.

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- (b) Supervisors should periodically review BWC 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 should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public 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 should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

401.7.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Personnel and Training Unit.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).

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401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Office of Professional Accountability Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Section policy.

Supervisors should ensure that data stop reports are provided to the Records Manager for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau policy).

Line-up Training

402.1 PURPOSE AND SCOPE

Line-up training is generally conducted at the beginning of the officer's assigned shift. Line-up provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Line-up; however officers may conduct Line-up for training purposes with supervisor approval.

Line-up 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 Line-up 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.

402.3 RETENTION OF LINE-UP TRAINING RECORDS

Line-up training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate. This training should be documented on RPD-A5 form; REPORT OF IN-SERVICE TRAINING.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Richmond Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

Special Response Team (SRT)

404.1 PURPOSE AND SCOPE

The Special Response Team (SRT) 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 SRT OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to SRT 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 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 are 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, personnel, 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.

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Special Response Team (SRT)

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 SRT 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 are conducted prior to an operation unless circumstances require immediate deployment.
 - 1. When possible, briefings should include specialized units and supporting resources.

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Special Response Team (SRT)

- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel, and augmentation of resources.
- (d) A generic checklist is 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 includes:
 - 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 help to identify training needs, and reinforce 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 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

SWAT/CNT Commanders shall conduct an annual SWAT/CNT Training needs assessment to ensure that training is conducted within team capabilities, department policy, and 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.

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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 SRT Commander. The SRT 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) Bi-annually, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT basic qualification for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SRT 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.
- (e) Each SWAT team member shall complete the bi-annual SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Armorer who has been approved by the SRT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within

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30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

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.

404.4.4 OPERATIONAL READINESS INSPECTIONS

The SRT Commander shall appoint a SRT supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SRT Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the police department and equipment maintained or used in SRT vehicles.

404.5 MANAGEMENT/SUPERVISION OF SPECIAL RESPONSE TEAM

The Commander of SRT shall be selected by the Chief of Police upon recommendation of staff.

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404.5.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Patrol Division Commander, the Special Response Team (SWAT/CNT) shall each be managed by a lieutenant.

404.5.2 TEAM SUPERVISORS

The Crisis Negotiation Team and 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 SRT Commander.

The following represent the supervisor's responsibilities for the Special Response Team.

- (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 SRT 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 SRT 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 SRT Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SRT 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 the critical role of the 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.

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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 that 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 SRT 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 SRT 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 SRT 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 the critical role of SWAT members;
 - 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.

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- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to the performance of SWAT-related duties. The test and scoring procedure will be established by the SRT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT basic handgun: Candidates who successfully pass the physical agility test will be tested to assess their handgun shooting skills. Candidates must pass the SWAT pistol qualification course to complete this part of the testing. Candidates will have one attempt to pass the course. The range shoot will be conducted under the supervision of SWAT Team personnel.
- (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.
- (e) A list of successful applicants shall be submitted to staff, by the SRT Commander, for final selection.

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 SRT 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 SPECIAL RESPONSE TEAM

The following procedures serve as guidelines for the operational deployment of the Special Response Team. 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 SRT Commander.

404.8.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Special Response Team is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the SWAT Commander.

404.8.2 APPROPRIATE SITUATIONS FOR USE OF SPECIAL RESPONSE TEAM

The following are examples of incidents that may result in the activation of the Special Response Team:

- (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.

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- (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 Special Response Team 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.

- (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 SPECIAL RESPONSE TEAM

The On-Scene supervisor shall make a request to the Watch Commander for the Special Response Team. The Watch Commander shall then notify the SWAT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the SWAT Commander. The Watch Commander will then notify the Patrol Division Commander as soon as practical.

The Watch Commander should advise the SWAT 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 SWAT Commander or supervisor shall then call selected officers to respond.

404.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Response Team, field personnel should, if safe, practical, and sufficient resources exist:

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- (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 SRT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (f) Be prepared to brief the SRT Commander on the situation.
- (g) Plan for and stage anticipated resources.

404.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon the arrival of the Special Response Team at the scene, the Incident Commander shall brief the SWAT Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the Special Response Team. Once the Incident Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Special Response Team. The Incident Commander and the SWAT Commander (or his or her designee) shall maintain communications at all times.

404.8.8 COMMUNICATION WITH SPECIAL RESPONSE TEAM PERSONNEL

All non-Special Response Team members should refrain from non-emergency contact or interference with any member of the unit during active operations. Tactical operations require the utmost concentration by involved personnel and, as a result, no one should interrupt or communicate with SRT personnel directly. All non-emergency communications shall be channeled through the Incident Commander or his/her designee.

Tactical Response Team

405.1 PURPOSE AND SCOPE

The Tactical Response Team (TRT) was established to increase the likelihood of safely resolving critical incidents. This policy is written to comply with the guidelines established in the National Tactical Officers Association on Tactical Response and Operations Standard for Law Enforcement Agencies (April 2018) and Standardized Training Recommendations (Penal Code § 13514.1).

405.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Tactical Response Team policy is divided into Administrative and Operational Policy & Procedures sections. Since situations that necessitate the need for a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the operational policies outlined in this manual serve as guidelines 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.

405.1.2 TACTICAL RESPONSE TEAM DEFINED

A Tactical Response Team (TRT) is a designated law enforcement team trained and equipped to assist in the resolution of critical incidents that would typically exceed the capabilities of traditional law enforcement first responders and/or investigative units. The Tactical Response Team is responsible for incidents such as barricaded suspects, high-risk warrant service, high-risk apprehensions, and high-risk security operations.

405.2 POLICY

It shall be the policy of this department to provide the equipment, staffing, and training necessary to maintain a proficient Tactical Response Team. The Tactical Response Team should develop the expertise to perform four basic operational functions:

- Command and control
- Containment
- High-risk entry and apprehension
- High-risk operational planning

405.2.1 POLICY CONSIDERATIONS

The preservation of human life is paramount. Nothing in this policy shall prohibit the Tactical Response Team from responding, in exigent circumstances, to a situation that exceeds their training levels.

405.2.2 ORGANIZATIONAL PROCEDURES

The Department shall develop written organizational procedures to address the following:

- Locally identified specific missions the team is capable of performing.
- Team organization and function.

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Personnel selection and retention criteria.

Training and required competencies.

Specialized functions and supporting resources.

405.2.3 OPERATIONAL PROCEDURES

The Department shall develop written operational procedures using sound risk-reduction practices. The operational procedures should be patterned after the National Tactical Officers Association on Tactical Response and Operations Standards for Law Enforcement Agencies listed in section 3.1.2 – 3.1.6(April 2018). 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 TRT operations (time permitting).
 - All TRT members should understand operational planning.
 - TRT training should consider planning for both spontaneous and planned events.
 - TRT should incorporate medical emergency contingency planning as part of the TRT operational plan.
- (b) Plans for mission briefings are conducted prior to an operation unless circumstances require immediate deployment.
 - When possible, briefings should include specialized units and supporting resources.
- (c) A threat assessment to identify necessary resources prior to initiating a tactical response.
- (d) A standard method of determining the risk level of arrest and search warrants.
- (e) 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.
- (f) Post-incident scene management including:
 - Documentation of the incident.
 - Transition to investigators and/or other units.
 - Debriefing after every deployment of the TRT.
- (g) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments to identify training needs and reinforce sound risk management practices.
 - Operational debriefings will be conducted after involved officers have had the opportunity to individually complete necessary reports and/or provide formal statements.

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Debriefings will not be recorded in order to maintain candor and meaningful exchange.

When appropriate, debriefing should include specialized units and resources.

- (h) Sound risk management analysis.
- (i) Standardization of deployed equipment

405.2.4 TRAINING NEEDS ASSESSMENT

The TRT Commander or designee will complete an annual Needs Assessment to evaluate the team's capabilities to determine the type of operations appropriate for the team.

Categorizing specific capabilities for resolving critical incidents is difficult due to the dynamic and evolving nature of these types of incidents so training needs will vary based on the experience level of team personnel.

405.2.5 INITIAL TRAINING

Newly appointed TRT team leaders and operators should not be deployed on operations until they have attended training sessions with the TRT and performed at a satisfactory level as determined by the TRT commander.

To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when content (topics) meet or exceed department requirements or POST standardized training recommendations.

405.2.6 UPDATED TRAINING

Appropriate team training for the specialized TRT functions and other supporting resources should be completed prior to the full deployment of the team. TRT operators and TRT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

405.2.7 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for tactical operations liability or other applicable training at the organizational level to ensure personnel who provide active oversight at the scene of TRT operations understand the purpose and capabilities of the team.

405.2.8 ONGOING TRAINING

The TRT Lieutenant will develop an annual training plan that consists of at least sixty hours of training that includes best practices for tactical teams and fulfills identified TRT training needs.

405.2.9 TRAINING SAFETY

The use of a designated safety officer should be considered for all tactical training.

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405.2.10 SCENARIO BASED TRAINING

TRT 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.

405.2.11 TRAINING DOCUMENTATION

Individual and team training shall be documented. The Personnel and Training Unit will maintain records of individual members' training and the TRT Lieutenant will maintain records for team training.

405.3 UNIFORMS, EQUIPMENT, AND FIREARMS

405.3.1 UNIFORMS

TRT members will wear authorized uniforms that clearly identify them as law enforcement officers.

405.3.2 EQUIPMENT

The Tactical Response Team should be adequately equipped to meet the specific mission(s) identified by the agency.

405.3.3 FIREARMS

Weapons and equipment used by the Tactical Response Team shall be agency-issued or approved, including any modifications, additions, or attachments.

405.4 MANAGEMENT/SUPERVISION OF TACTICAL RESPONSE TEAM

The Investigations Bureau Captain and Lieutenant will manage the Tactical Response Team.

405.4.1 TEAM SUPERVISORS

The Tactical Response Team will have a minimum of two Sergeant Team Leaders appointed by the TRT Commander. The Team Leader's primary responsibilities are to supervise the operations of the Tactical Response Team, which will include deployment, training, first-line participation, and other duties as directed by the TRT Commander.

405.5 ADMINISTRATIVE PROCEDURES

The Tactical Response Team was established to increase the resources within the Investigations Bureau and is separate from the Department SWAT team. The Tactical Response Team's designed capabilities include preplanned search warrant service, high-risk apprehensions, vehicle takedowns, preplanned violence reduction response, security operations, and an additional team resource during SRT responses.

The following procedures serve as directives for the administrative operation of the Tactical Response Team.

405.5.1 SELECTION OF PERSONNEL

Sworn personnel seeking to join the TRT shall submit a Personnel Action Request form through their chain of command and qualified applicants will participate in an oral interview.

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- (a) The oral board will consist of personnel selected by the Tactical Response Team Lieutenant. The following criteria will be utilized to evaluate applicants:

Recognized competence and ability as evidenced by performance.

Demonstrated good judgment and understanding of the critical role of TRT members.

Special skills, training, or appropriate education as it pertains to this assignment.

Commitment to the team, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

- (b) Team Leader evaluation: TRT supervisors will evaluate each candidate on their known performance in the field, including tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
- (c) A list of successful applicants will be forwarded through the Investigations Bureau chain of command to the Chief of Police who will determine the final selection.

405.5.2 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 TRT Lieutenant. Any member of the TRT who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

Ride-Along Policy

406.1 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.

406.1.1 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

406.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions when made by the Chief of Police, Operations Bureau Commander, or on-duty Watch Commander.

406.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the on-duty Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Commander receiving the Ride-Along Form will schedule a date, based on availability, at least one week after the date of application. If approved, the Ride-Along Form will be forwarded as soon as possible to the respective Watch Commander working on the requested date for further scheduling considerations.

If the ride-along is denied after the request has been made, the Watch Commander denying the request will contact the applicant and advise him/her of the denial.

Active members of the Community Police Review Commission are only required to contact the on-duty Watch Commander to request a ride-along and should be accommodated as soon as possible.

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Ride-Along Policy

406.2.1 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, Community Safety Academy graduates, Chaplains, Reserves, Police Commissioners, police applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that only one citizen participates in a ride-along per shift. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in the Police Cadets policy.

406.2.2 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.

406.2.3 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.

The Personnel and Training Unit will be responsible for scheduling ride-alongs for Police Department applicants and forwarding the completed Ride-Along Form to the Watch Commander working on the requested ride-along date.

406.2.4 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.F.2.).

406.3 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 necessary for the protection of the ride-along, may 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.

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The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the Ride-Along form shall be returned to the Watch Commander with any comments which may be offered by the officer.

406.4 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

407.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this department.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

407.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
- (b) Notify the fire department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

407.3 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.

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Hazardous Material Response

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.

407.3.1 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.

Hostage and Barricade Incidents

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

408.2 POLICY

It is the policy of the Richmond Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

408.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

408.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- (a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

408.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

408.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

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- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

408.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure, or vehicle, and attack, use deadly force, or attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure, or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interviews.
- (e) Request additional personnel, resources, and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

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- (h) Coordinate pursuit or surveillance vehicles and control travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties, and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents, and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence, or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

408.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Response Team response if appropriate and apprising the SRT Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources, or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, and telephone service).
- (a) When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, the application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

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- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

408.6 SRT RESPONSIBILITIES

The Incident Commander will decide, with input from the SRT Commander, whether to deploy the SRT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SRT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, evacuation, media access, and support for the SRT. The Incident Commander and the SRT Commander or the authorized designee shall maintain communications at all times.

408.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

409.1 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.

409.2 POLICY

It is the policy of the Richmond Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

409.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

409.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

409.4.1 RICHMOND POLICE DEPARTMENT FACILITY

If the bomb threat is against the Richmond Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

409.4.2 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.

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409.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

409.5 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 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.

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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.

409.6 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 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.

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9. Unusual sounds, vapors, mists, or odors.

409.7 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Richmond, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

409.7.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:

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1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

409.8 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 1. Two-way radios
 2. Cell phones
 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
 1. The time of discovery.
 2. The exact location of the device.
 3. A full description of the device (e.g., size, shape, markings, construction).
 4. The anticipated danger zone and perimeter.
 5. The areas to be evacuated or cleared.

409.9 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury

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to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

409.9.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

409.9.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

409.9.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

409.9.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a

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long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Cite and Release Policy

410.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

410.2 POLICY

It is the policy of the Richmond Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

410.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

410.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

410.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

410.4 NON-RELEASE

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410.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

410.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Section.

410.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.

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- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

410.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the 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.

410.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

Foreign Diplomatic and Consular Representatives

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:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members.
 - 2. Diplomatic agents and recognized family members.
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members.
 - 4. Career consular officers, unless the person is the subject of a felony warrant.
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations.
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers.
 - 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have 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:

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Foreign Diplomatic and Consular Representatives

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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Foreign Diplomatic and Consular Representatives

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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 of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, 1969).

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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

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

412.2 POLICY

The Richmond Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

412.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.5 PLANNING

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.

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- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

412.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - (a) This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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

The purpose of this policy is to provide guidelines to members of the Richmond Police Department relating to immigration and interacting with federal immigration officials.

414.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

414.2 POLICY

It is the policy of the Richmond Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

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 shall not be granted.

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RPD officers shall not participate in ICE operations, including immigration "sweeps", or enforcement, except when necessary to protect life or property.

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 present a valid court order signed by a judge.

Any deviations from this policy shall require the approval of the Chief of Police.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

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414.3.1 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.
- 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 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

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.

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- (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.

414.4.2 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

414.4.3 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

414.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

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414.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.
- (c) Shall notify the OIC and the Chief of Police.

414.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

414.7 INFORMATION SHARING

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

414.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

414.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Richmond Police Department intends to comply with the request (Government Code § 7283.1).

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If the Richmond Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

414.7.3 ICE INTERVIEWS

Interviews shall not be conducted by Richmond Police Department personnel, nor by any outside agency within the Richmond Police department facility.

414.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

414.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigations Division supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Section policy).

414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Division supervisor assigned to oversee the handling of any related case. The Investigations Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

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1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
 3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
 4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

414.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

414.8.2 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

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414.8.3 REPORTING TO LEGISLATURE

The Investigations Division Commander or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

414.9 TRAINING

The Training Sergeant should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

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 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.

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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 use patrol rifles in the following situations:

- (a) When there is an objectively reasonable anticipation of 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 and Shooting policy.

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 TRT 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;

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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 policies.

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

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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.

Emergency Utility Service

417.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

417.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

417.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

417.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

417.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

417.2 TRAFFIC SIGNAL MAINTENANCE

Public Works maintains all traffic signals within the City, other than those maintained by the State of California.

417.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Aircraft Accidents

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

418.2 POLICY

It is the policy of the Richmond Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

418.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

418.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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Aircraft Accidents

418.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

418.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

418.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

418.8 DOCUMENTATION

All aircraft accidents occurring within the City of Richmond shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of RPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

418.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

418.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

418.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Mental Illness Commitments

419.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

419.2 POLICY

It is the policy of the Richmond Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

419.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

419.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Have the person transported to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

419.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

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- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

419.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian, or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

419.5 TRANSPORTATION

Individuals being taken into protective custody for a 5150 commitment should be transported to a psychiatric facility by ambulance. If this is not possible, an officer, with supervisor approval, may conduct the transport. When transporting any individual for a 5150 commitment, the transporting officer should have Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

419.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility

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restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

419.7 DOCUMENTATION AND TRANSFER

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

Officers may assist with securing the individual with medical restraints if requested by medical personnel.

419.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

419.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.

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- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

419.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search unless the lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence policy).

419.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations Division, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

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419.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

F.T.O (Field Training Officer) Program

420.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Richmond Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possess all skills needed to operate in a safe, productive, and professional manner.

420.1.1 ORGANIZATIONAL STRUCTURE

Responsibility for program administration is assigned to the Patrol Division Command working in conjunction with the Administration Division Training Unit.

420.1.2 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 FTO 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 field training program.
- (c) Release from the program will be determined by the Chief of Police based upon the recommendations of the FTO, the Probationary Review Board, and the trainee or lateral Officer.

420.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

420.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of four years of patrol experience, two of which shall be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

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F.T.O (Field Training Officer) Program

420.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as a FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

420.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Patrol Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

420.3.1 FTO RECOGNITION

- (a) In recognition of the extra work associated with the FTO assignment and all similar future assignments, each FTO shall have a letter placed in his or her personnel file stating that he or she is a FTO.
- (b) Personnel certified as FTOs 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 Field 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 FTO, or are no longer with the program, shall not wear the unit designator pin on their uniform.

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F.T.O (Field Training Officer) Program

420.3.2 FTO COMPENSATION

- (a) While training a new Officer, the FTO shall receive four (6) hours of pay at the overtime rate for every 40 (forty) hour block of training.
- (b) Substitute FTOs who are required to train Officers on a day-by-day basis due to the absence of the assigned FTO 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.

420.4 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.

420.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete a POST-approved Field Training Program, consisting of a minimum of 10 weeks (Penal Code § 13515.295; 11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

420.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

420.6.1 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

420.6.2 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

420.6.3 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

420.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

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F.T.O (Field Training Officer) Program

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

420.8 FTO COORDINATOR

The duties of the FTO coordinator shall include:

- (a) Conferring regularly with Patrol Division Supervisors, FTOs and Trainees to assist them in meeting the training needs of individual Officers.
- (b) Participating in the selection of FTOs.
- (c) Assuring that training documents, forms and publications are prepared in a timely manner and distributed appropriately.
- (d) Making FTO and new Officer assignments.

Probationary Review Board

421.1 PURPOSE AND SCOPE

The Probationary Review Board (PRB) will conduct regular reviews of the performance of non-supervisory, probationary sworn police officers.

421.1.1 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.

421.1.2 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.

421.1.3 PROBATIONARY REVIEW BOARD APPEARANCES

The PRB has the option of summoning probationary employees to appear before the board at any time during the probationary period. The PRB will summon recruit officers to appear upon completion of the Field 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 is 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 FTO'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 FTO'S recommendation

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concerning the recruit officer. The PRB may also make additional recommendations related to the continued growth and development of the employee.

If a recommendation for rejection from 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 FTO'S recommendation, and the board's inquiry to 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 release 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 to the employee's continued growth and development.

421.1.4 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 Field Training Manager, the Compliance/Oversight Lieutenant, and an additional lieutenant assigned to the Operations 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 Operations 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.

421.1.5 PROBATIONARY REVIEW BOARD MEETINGS

(a) The PRB will assemble for meeting upon direction of the chairperson or on the recommendation of the FTO Program Coordinator or Training Sergeant.

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- (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 Administration 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 Administration 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.

421.1.6 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 Administration 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.

Obtaining Air Support

422.1 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.

422.2 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.

422.2.1 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.

422.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

Contacts and Temporary Detentions

423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

423.2 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.

423.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Richmond Police Department to strengthen community involvement, community awareness, and problem identification.

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423.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the officer

423.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

423.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

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423.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

423.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

423.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

423.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

Contacts and Temporary Detentions

423.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Richmond Police Department members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

424.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Richmond Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

424.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

424.2 POLICY

The Richmond Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

424.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

424.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance

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Criminal Organizations

with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

424.3.2 GANG DATABASES

The Chief of Police may approve participation by detectives in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the detective supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the detective's supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the Investigations Division Commander. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Section after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Section Manager to retain reports and FIs in compliance with the database rules and any applicable end-user agreement.

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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

424.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

424.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

424.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

424.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.

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- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

424.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

424.7 CRIMINAL STREET GANGS

The Investigations Division Commander should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above-average familiarity with:
 - 1. Any organization, associate, or group of three or more persons that meet the definition of a criminal street gang under Penal Code § 186.22(f).
 - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

424.8 TRAINING

The Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

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- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

424.8.1 SHARED GANG DATABASE TRAINING

The Training Sergeant should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

Watch Commanders

425.1 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.

425.2 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.

425.3 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 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.
 - (b) Notifying officers of changes in schedules and assignments.

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- (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 of Departmental employees. Specifically, Watch Commanders shall:
 - (a) Monitor calls for service and responds 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 may relinquish command of the scene, if requested.
 - (b) Monitor calls for service and assumes 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 and bring them to the attention of the on-coming Watch Commander and impacted District Commander.

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- (l) Review and approve overtime requests for officers working overtime 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 other relevant information to share with the Operations Bureau Captain.

425.4 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 Operations Bureau 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

426.1 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.

426.2 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.

426.3 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 BWC recordings of all witness statements, regardless of 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.

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- (g) **Detective Division Notification:** The on-duty or on-call lieutenant shall notify the Investigations Division 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.

426.4 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 Computer Use

427.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Communications Center.

427.2 POLICY

Richmond Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

427.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use policy for additional guidance).

427.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

427.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

427.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

427.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

427.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

427.6 EQUIPMENT CONSIDERATIONS

427.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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427.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Portable Audio/Video Recorders

428.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Richmond Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

428.2 POLICY

The Richmond Police Department will provide members with body-worn cameras for use during the performance of their duties. The use of BWCs 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 contact with the public are required to wear and use a BWC when in service. Affected assignments include, but are not limited to, Patrol, Traffic/Special Events, SWAT operations, Mobile Field Force (MFF) operations, and School Resource Officers/Youth Service Officers. BWCs 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.

The Taser Axon BWC has several features, including; Global Positioning System (GPS) and Live Streaming Video. The Live Streaming Video is restricted by the Taser Axon system to allow remote view access of a BWC that is actively recording. These two features shall only be utilized by a supervisor who deems it necessary during a tactical situation or an officer safety concern when an officer is unable to be located by other methods, or with the officer's consent.

If the Axon Respond Livestreaming feature is activated, the BWC will emit an Audio Notification; three short rising-pitch tones, and a Haptic Notification (vibration); one long duration. Additionally, the camera display information will indicate "LIVE" under the record symbol and the BWC status bar light will change color to illuminate purple. Prior to remotely activating a BWC via Livestream, the supervisor shall make a radio transmission indicating "remote BWC activation".

Body-worn camera training is required for all personnel who are required to use or who otherwise may become involved with BWCs before these devices are deployed for official use. In addition to

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personnel required or assigned BWCs, 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 camera training shall minimally include the following:

- (a) All practices and protocols of department BWC policy;
- (b) Relevant state laws governing consent, evidence, privacy, and public disclosure of digital recordings;
- (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.

428.3 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.

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.

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428.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed Patrol officer assigned to field duties or other department member directed to utilize a BWC will be responsible for making sure that he/she is equipped with a BWC 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 the repair or replacement of a non-functioning unit.

Uniformed members should wear the BWC on their person in a forward-facing position above the midline torso to maximize the recording field of view.

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 unassigned BWC, the 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 BWC, regardless of whether any activity was recorded. An email shall be sent to Police IT with this information so the download information can be corrected to the corresponding user and BWC device unit identifier. This procedure is not required when the BWC and related software captures the assigned 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 BWC;
- (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 BWC malfunctions or otherwise fails to capture the event.

The Taser Axon BWCs are linked to the Taser CEW. When the Taser CEW is taken out of 'Safe' mode, Taser BWCs that are within 30 feet of the Taser CEW 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 BWC to "Sleep Mode", unless they are on a call for service or booking a prisoner.

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Additionally, Taser CEWs shall only be 'spark-tested' in one of the locker rooms, or as a group with a supervisor present.

428.4.1 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 incidents, and ensure the data is downloaded (Penal Code § 832.18).

Supervisors are discouraged from using the BWC 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 the review should be to determine employee policy compliance, training needs, equipment malfunction, and consistency between the BWC video and associated police reports. Evidence.com automatically logs user views under the "Audit Trail" feature.

428.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members shall activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder shall be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Communications Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording shall resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder shall be activated in situations described above as soon as reasonably practicable.

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428.5.1 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.

428.5.2 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).

Muting BWCs shall be restricted to one or more of the following situations:

1. Conversations with Confidential Informants.
2. Personal conversations or personal phone calls not related to the assigned incident.
3. Training-related conversations between Field Training Officers and trainees.
4. Administrative conversations not related to the incident.
5. At the direction of, or with permission from a supervisor.

In-field tactical planning, public safety statements, and other conversations relative to the incident to which the member is assigned shall not be muted.

Prior to turning off a BWC recording or using the mute function while on a call for service or during self-initiated activity, personnel shall verbally articulate the reason for turning off the BWC (personal phone call, conversation, etc.).

428.5.3 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.

428.5.4 SPECIALIZED UNITS/ASSIGNMENTS

School Resource Officers (SRO)/Youth Service Officers (YSO):

- (a) While on or around school grounds, SROs are restricted from activating their BWCs in cases of suspected criminal activity or when assisting school staff with matters related to disorderly or disruptive behavior in the school environment.

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- (b) SROs/YSOs should not activate their BWCs for routine interactions on school grounds, or when present for administrative meetings between staff, parents, and students.

Crime Scene Investigators (CSI)/Crime Scene Technicians (CST):

- CSIs shall activate and deactivate their BWCs in the manner prescribed by this policy. However, CSIs may deactivate their BWCs when they transition into duties specifically related to crime scene investigation.
- Civilian Crime Scene Technicians are not issued BWC's outlined in this policy.

428.6 TIMING OF ACTIVATION

Personnel shall activate their BWCs 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 BWC.

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.

428.7 NOTIFICATION TO THE PUBLIC

Personnel should notify others that they are being recorded as soon as is 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 audio and video recording

Such notifications should be made 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 a notification.

428.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members 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

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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.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

428.9 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 BWC by the end of each shift in which the BWC was used. In circumstances where the officer cannot complete the task, the officer's supervisor shall immediately take custody of the BWC and be responsible for downloading the data. BWC 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 and their involvement in the case, ie; Primary, Witness Statement, Neighborhood Check, etc.
- (b) ID - In the ID field, a case number will automatically populate via Mark43 CAD and link to the BWC.
- (c) Categories- The Categories field sets the retention categories for the incident. In the Categories field, officers must select from one of the following:
 - (a) Felony (indefinitely)
 - (b) Felony w/use of force (indefinitely)
 - (c) Misdemeanors (3 yrs)
 - (d) Misdemeanors w/use of force (5 yrs)
 - (e) 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) CEW activation
 - (c) CEW display/point
 - (d) Hands/Feet
 - (e) Hate Crime
 - (f) Impact Weapon

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- (g) Vehicle Pursuit
 - (e) Entering information into the CASES, DESCRIPTIONS, and NOTES fields is 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:
 - (a) MCR Primary (1 yr)
 - (b) MCR Cover (1 yr)
 - (c) ADMIN (e.g., property damage, training, citizen complaint, etc.) - (5 yrs)
 - (d) TEST
 - (e) Accidental Activations
 - (c) Entering information in the ID, CASES, TAGS, DESCRIPTIONS, and NOTES is optional.

428.10 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 BWC footage to monitor compliance with the program, and to assess overall officer performance;

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- (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.

Officers in a law enforcement-involved fatal incident are to surrender their devices to a supervisor as soon as it is practical to do so. Involved 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.

428.11 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 the 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 BWC are evaluated and updated continually to reflect case law and best practices.

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428.12 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving the use of force by an officer
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against an officer or the Richmond Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should 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.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

428.12.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release policy). Recordings that unreasonably violate a person's privacy or sense of dignity, including a peace officer's right to privacy as set forth by Penal Codes 832.7, 832.8 and Article I, section 3 of the California Constitution, should not be publicly released unless disclosure is required by law or order of the court.

Critical Incident Audio & Video Release Policy

429.1 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.

429.2 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.

429.3 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.

429.4 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

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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.

429.5 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.

429.6 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.

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Critical Incident Audio & Video Release Policy

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

430.1 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.

430.1.1 PHILOSOPHY

The Department recognizes and respects the value of citizens' pets and other animals. 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.

430.2 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 for a particular situation, under circumstances that are frequently tense, uncertain, and evolve rapidly.

Further, it is understood that "reasonableness" should not be construed to mean the guarantee of the 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.

430.2.1 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.

430.2.2 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.

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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 a 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.

430.2.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force or evaluating whether police personnel has 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 animals fleeing into residential or business areas;
- (f) Other exigent circumstances;
- (g) The totality of the circumstances.

430.3 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.

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(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.

430.3.1 USE OF DEADLY FORCE AGAINST AN AGGRESSIVE, DANGEROUS AND/OR VICIOUS ANIMAL

The 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.

430.4 REPORTING THE USE OF FORCE

430.4.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force per the provisions of the Use of Force policy.

430.4.2 NOTIFICATION TO OWNER

Department personnel shall notify the owner of the injured or dispatched animal as soon as practical.

430.5 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.

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 through their chain of command. A copy will be forwarded to the Operations Bureau Commander in charge of the BPU. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU Manager and Coordinator. 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 Bureau 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.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

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Bicycle Patrol Unit

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.

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Bicycle Patrol Unit

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.

Foot Pursuits

432.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

432.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

432.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.

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- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

432.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.

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- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

432.4 RESPONSIBILITIES IN FOOT PURSUITS

432.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

432.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

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432.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

432.4.4 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

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

432.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

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Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case, in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Automated License Plate Readers (ALPRs)

433.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

433.2 POLICY

The policy of the Richmond Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public. All data and images gathered by the ALPR system are for the official use of this Department. Because such data may contain confidential information, it is not open to public review.

The Richmond Police Department does not permit the sharing of ALPR data gathered by the City or its contractor/subcontractors for purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code §7282.5; Government Code §7284.2 et seq) - these federal immigration agencies include Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP).

433.3 DEFINITIONS

- (a) Automated License Plate Reader (ALPR): a device that uses cameras and computer technology to compare digital images to lists of known license plates for investigative purposes.
- (b) ALPR Operator: Trained Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department.
- (c) ALPR Administrator: The Investigations Bureau Captain or the Chief's designee serves as the ALPR Administrator for the Department.
- (d) Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases, e.g., NCIC, CA DMV, local 'Be on the Lookout' (BOLO) bulletins, etc.
- (e) Vehicles of Interest: Wanted vehicles such as stolen vehicles, vehicles displaying stolen license plates, vehicles linked to missing and/or wanted persons, and vehicles flagged by the Department of Motor Vehicles and other law enforcement agencies.
- (f) Detection: Data obtained by an ALPR of a license plate in public view, including images of the vehicle.
- (g) Hit: An alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) System or other law enforcement database for a specific reason, e.g., being related to a stolen car, wanted person, missing person, domestic violence protective order violation, terrorist-related activity, etc.

433.4 ADMINISTRATION

ALPR Technology (ALPR) allows for the automated detection of license plates along with the make, model, and color of vehicles. The technology is used by the Richmond Police Department

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for official law enforcement purposes to compare images of vehicle make/models and their license plates to lists of wanted vehicles. The installation and maintenance of ALPR equipment and the functionality of the ALPR System shall be managed by the Department's Information Technology Supervisor.

433.4.1 ALPR ADMINISTRATOR

The Investigations Bureau Captain shall be responsible for ensuring the Department's ALPR program complies with the security requirements in Civil Code § 1798.90.51, §1798.90.52, and §1798.90.53.

- (a) Only properly trained sworn officers, crime analysts, communication center dispatchers, Information Technology staff, and records specialists are allowed access to the ALPR system or to collect ALPR information.
- (b) Ensure training requirements are completed for authorized users.
- (c) Monitor the ALPR system to ensure the security of information and compliance with applicable privacy laws.
- (d) Maintain records of access and ensure procedures are being followed by ALPR operators.
- (e) Continually work with the Custodian of Records on the retention and destruction of ALPR data.
- (f) Ensure the Department's ALPR policy is conspicuously posted on the Department's website.

433.5 OPERATIONS

- (a) Department members shall not use or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).
- (b) An ALPR shall only be used for official law enforcement business.
- (c) 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.
- (d) Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (e) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) via their MDC terminal or Dispatch, before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm that the observed license plate from the ALPR system matches the license plate of the observed vehicle. Members will not take any action that restricts the freedom of any individual based solely on an ALPR alert unless it has been confirmed and validated. As a reminder, the ALPR alert may

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be related to a vehicle and may not relate to the person operating the vehicle, so an officer will need reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle.

- (g) Hotlists compiled from law enforcement databases and other law enforcement sources, as designated by the ALPR Administrator, are not updated in real-time, therefore, an ALPR alert may not be the sole basis for enforcement action,
- (h) Department members taking enforcement action based on an ALPR alert shall notify the Communications Center of the disposition of the stop. The officer shall also notify the ALPR administrator about the stop and assist in determining whether the vehicle license plate should remain on the hot list.
- (i) Hotlists generated from NCIC and CLETS will be uploaded into the ALPR system on a daily basis with the most current data overwriting the old data.
- (j) All entries and updates of hot lists shall be approved by the ALPR Administrator or designee prior to uploading into the ALPR system.
- (k) ALPR alerts should be considered informational and are meant to bring the officer's attention to specific vehicles that may be associated with criminal activity or a missing/at-risk person.
- (l) All hot plates and suspect information entered into the ALPR system will contain the entering officer's name, related case number, and a synopsis of the event related to the license plate.
- (m) To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the system.
- (n) The ALPR system and data collected are the property of the Richmond Police Department, therefore, Department members may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with departmental policy.
- (o) Except when pursuant to a court order, the ALPR system may only record license plates that are exposed to public view (e.g., vehicles on a public road or vehicles on private property that are visible from a public road).
- (p) The ALPR system may not be used to harass or intimidate any individual or group.
- (q) ALPR system hot lists may not be compiled solely on the basis of a person's or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
- (r) The ALPR system or associated data may not be used for personal use.
- (s) The ALPR system may not be used to infringe on an individual's or group's First Amendment rights.
- (t) Anyone who engages in an impermissible use of the ALPR system or associated data may be subject to criminal prosecution, civil liability, and administrative action.

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433.6 DATA COLLECTION AND RETENTION

The Investigations Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

All ALPR data downloaded to a Department server should be stored for no longer than thirty days (30 days)(Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded from the server onto portable media and booked into evidence.

ALPR vendor Flock Safety will ensure proper storage, maintenance, and security of data in their data towers. Flock Safety will purge their data at the end of 30 days of storage. However, this will not preclude the Richmond Police Department from maintaining any associated hot lists pursuant to established record retention schedules.

Information gathered or collected, and records obtained by Flock Safety cameras will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

433.7 ACCOUNTABILITY AND SAFEGUARDS

All 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 (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation 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 relates to a specific criminal investigation or Department-related civil or administrative action.
- (d) ALPR data may be released to other authorized and verified law enforcement agencies for legitimate law enforcement purposes and pursuant to Department policy.
- (e) Every ALPR inquiry must be documented by using either a Richmond PD case number or an incident number and a reason for the inquiry.

433.8 ALPR DATA DETECTION BROWSING AUDITS

It is the responsibility of the Office of Professional Accountability to conduct an annual audit of the ALPR system's browsing history. The Department will audit a sampling of the ALPR system utilization from the prior 12-month period to verify proper use in accordance with the ALPR policy. The audit shall randomly select at least 10 detection browsing inquiries conducted by

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Department employees during the preceding six-month period and determine if each inquiry meets the requirements established in this policy.

The audit shall be documented in a memorandum and maintained by the Office of Professional Accountability, and a copy forwarded to the Chief of Police for review.

433.9 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - (a) The name of the agency.
 - (b) The name of the person requesting.
 - (c) The intended purpose of obtaining the information.
 - (d) An acknowledgment the information received will not be used for the purpose of federal immigration enforcement pursuant to the California Values Act (Government Code §7282.5; Government Code §7284.2 et seq).
- (b) The request is reviewed by the Administration Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

433.10 TRAINING

The Training Sergeant should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Homeless Persons

434.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Richmond Police Department recognizes that members of the homeless community are often in need of special protection and services. The Richmond Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

434.1.1 POLICY

It is the policy of the Richmond Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

434.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 - 1. Proper posting of notices of trespass and clean-up operations.
 - 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

434.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal

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activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

434.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

434.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the

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department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

434.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

434.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Medical Aid and Response

435.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

435.2 POLICY

It is the policy of the Richmond Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

435.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Communications Center and request a response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. The number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel on whether to transport the person for treatment.

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435.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not direct EMS personnel on whether to transport the person for treatment, nor should any member recommend, encourage or direct emergency personnel to apply, give or inject any medication which is outside the scope of their employment.

435.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

435.6 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

435.6.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not

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functioning properly will be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Communications Center as soon as possible and request response by EMS.

435.6.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

435.6.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100027.05).

435.7 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

435.7.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

Any member who administers an opioid overdose medication should contact Communications Center as soon as possible and request response by EMS.

435.7.2 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Sergeant shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

435.7.3 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Sergeant will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

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435.7.4 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

435.7.5 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100027.03 and any applicable POST standards (Civil Code § 1714.22).

435.8 ADMINISTRATION OF NALOXONE

435.8.1 PURPOSE AND SCOPE

Police Department personnel are occasionally the first responders to a person who is experiencing or suspected of experiencing an opioid-related overdose. The purpose of this policy is to establish procedures to govern an overdose in citizens and also for officers who may become exposed to opioids, through the deployment of Naloxone by Richmond Police Department personnel. The objective is to reduce injuries and fatalities resulting from opioid overdoses, in the instances where emergency medical personnel have not yet arrived.

435.8.2 POLICY

(a) Patrol and investigations personnel shall be trained to administer Naloxone in accordance with the training guidelines established by the Contra Costa County Health Services and State Law. Trained personnel may use Naloxone to attempt to prevent opioid-related deaths, due to overdose or accidental exposure.

(b) There is no legal requirement to administer Naloxone.

(c) Officers who administer Naloxone are protected from civil and criminal liability if they, "Act with reasonable care" and "In good faith." This is accomplished by administering Naloxone according to established training protocols.

435.8.3 DEFINITIONS

(a) Naloxone (Narcan): an opioid receptor antagonist and antidote for opioid overdose produced in intramuscular, intranasal and intravenous forms. Narcan is the brand name for Naloxone.

(b) Opiates: Naturally derived from the poppy plant, such as heroin and opium.

(c) Opioids: Synthetic opiate drugs such as fentanyl, morphine, buprenorphine, codeine, hydromorphone, hydrocodone, oxycodone, methadone and oxycodone.

(d) Opioid Overdose: An acute condition including but not limited to extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid, or another substance which an opioid was combined, or that a

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layperson would reasonably believe to be an opioid related drug overdose that requires medical assistance.

(e) Naloxone Quality Improvement Program Usage Report: Mandatory reporting form which is to be completed by law enforcement personnel who have administered Naloxone to a patient or victim. A data collection protocol established by Contra Costa County Health Services, used to evaluate the impact of the Naloxone program.

435.8.4 EQUIPMENT

(a) Field Overdose Kit. A Field Overdose Kit will consist of a pelican-style case, two (2ml)dose of Naloxone HCL, two nasal atomizers, one set of protective gloves, one N95 respirator, one CPR face shield, and a County Health Services Naloxone report form.

(b) Station Emergency Overdose Kit. A station Overdose Kit will consist of a pelican-style case, two (2ml)dose of Naloxone HCL, two nasal atomizers, one set of protective gloves, one N95 respirator, one CPR face shield, and a County Health Services Naloxone report form.

(c) Naloxone is a prescription medication and will be safeguarded from loss or theft. An inspection of the Naloxone kit shall be the responsibility of the personnel assigned the equipment and will be completed at the beginning of each shift. Missing or damaged Naloxone kits will be reported to the officer's sergeant.

(d) Naloxone has a two-year shelf life. The Personnel & Training Sergeant (or designee) will ensure that all doses are within their effective shelf life.

(e) Replacement atomizers and other supplies will be coordinated by the Personnel & Training Section.

435.8.5 STORAGE

Field Overdose Kits will be kept out of direct sunlight and away from extreme heat or cold. In order to accomplish this, the kits will be kept in the front passenger compartment of patrol vehicles.

435.8.6 DEPLOYMENT

a) Officers will utilize universal precautions whenever providing first aid to a patient.

(b) Upon arrival at an emergency situation, officers will perform a primary survey of the patient. If necessary, the Emergency Medical Services (EMS) system should be activated.

(c) If Naloxone is administered by an officer, the patient will be assessed by fire and/ or ambulance personnel.

(d) Expended Naloxone containers will be disposed of in a sharps box or other hazardous materials container.

(e) The Naloxone Kit which was used shall be taken out of service until it is re-stocked with necessary supplies.

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(f) Only Naloxone issued by the Richmond Police Department will be administered to victims/patients

435.8.7 SUPERVISOR DUTIES

(a) When Naloxone has been administered, the supervisor will transmit the usage report to County Health Services following the instructions on the report form.

(b) A copy of the report will also be routed to the Personnel & Training Section or other designated personnel.

435.9 FIRST AID TRAINING

The Training Sergeant should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100026.03; 22 CCR 100027.06).

Civil Disputes

436.1 PURPOSE AND SCOPE

This policy provides members of the Richmond Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

436.2 POLICY

The Richmond Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

436.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 20 minutes are warranted.

436.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

436.4.1 CIVIL STAND-BY / MAINTAIN THE PEACE REQUESTS

A civil stand-by/maintain the peace call for service is a request for police presence at a location for the purpose of preventing violence or other criminal activity while the requesting party engages in activity in which he or she has a legal right to engage.

(a) Civil stand-by/maintain the peace requests will not be accepted for service between the hours of 2100-0800 except in cases of extreme urgency and only with the authorization of the shift supervisor or watch commander.

(b) Requests for civil stand-by/maintain the peace calls shall be discouraged. Dispatch, Records personnel at the public counter, and officers will advise the requesting party of the conditions of this service and encourage the requesting party to seek other assistance such as friends, relatives, court orders, private mediation services, etc.

(c) When a request for a civil stand-by/maintain the peace is received by dispatch, dispatch shall assign the call to the shift supervisor for approval and disposition. The shift supervisor should advise the requesting party that responding officers will spend no more than twenty (20) minutes at the location.

1. The request for this service shall be denied if the requesting party is uncooperative, intoxicated, or unstable.

2. Civil stand-bys/maintaining the peace should only be granted if a genuine necessity exists for the requesting party to go to the location and that there is a likelihood that violence or some other criminal activity will occur. If a restraining order exists, the restrained party must agree to a pat search for weapons before going to the residence and before entry to the residence for the safety of the officer and other parties.

3. Responding officers will not force entry into any building or vehicle to allow the requesting party access.

4. Responding officer(s) will only remain on the scene if both parties are present and entry onto or into a location is consensual by the party in control of the premises.

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Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow the removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

436.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

436.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Crisis Intervention Incidents

437.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

437.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms has exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

437.2 POLICY

The Richmond Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

437.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) Known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation, or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality, or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility, or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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437.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

437.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs, or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises, and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights, or sirens.
- (d) Attempt to determine if weapons are present or available.
 - (a) Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining the cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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437.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous, and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent, or suicidal.
- Argue, speak with a raised voice, or use threats to obtain compliance.

437.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

437.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

437.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

437.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments policy.

437.10 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS

Professional Staff members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

437.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to

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Crisis Intervention Incidents

these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

437.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks, and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

Public Recording of Law Enforcement Activity

438.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

438.2 POLICY

The Richmond Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

438.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

438.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

438.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

438.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for the prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent the erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence policy.

First Amendment Assemblies

439.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

439.2 POLICY

The Richmond Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life, and preventing the destruction of property.

439.3 GENERAL CONSIDERATIONS

Individuals or groups present in the public way, such as public facilities, streets, or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of an individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussions with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones, or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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439.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recordings, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders, and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

439.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- The apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets, or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until the command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

439.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

439.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

439.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles, and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

439.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance policy).

439.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

439.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

439.8 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with frequency, and intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.

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3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

439.8.1 USE SUMMARY

The Patrol Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

439.9 ARRESTS

The Richmond Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking, and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail, and courts (see the Cite and Release policy).

439.10 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations policy).

439.10.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest,

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or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

439.11 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

439.12 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, including the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment, and supply records
- (e) Incident, arrest, use of force, injury, and property damage reports
- (f) Photographs, audio/video recordings, Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

439.12.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time, and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts, or circumstances.

439.13 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

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439.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

Suspicious Activity Reporting

440.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

440.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous devices).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

440.2 POLICY

The Richmond Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

440.3 RESPONSIBILITIES

The Investigations Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations policy.

The responsibilities of the Investigations Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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Suspicious Activity Reporting

- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative, or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

440.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any professional staff member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about the involved parties and the circumstances of the incident. If during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross-reference. A SAR should be processed as any other incident report.

440.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Investigations Division supervisor
- Crime Analysis Unit
- Other authorized designees

Racial and Identity Profiling Act (RIPA)

441.1 PURPOSE AND SCOPE

On or before January 1, 2022, the Department is required to begin collecting data on all stops conducted by peace officers within the Department. Commencing on or before April 1, 2023, the Department is required to annually report to the California Attorney General data on all stops conducted by peace officers within the Department during the preceding calendar year (Government Code § 12525.5).

441.1.1 DEFINITIONS

The following definitions relate to terms used within this policy:

Peace Officer: Any sworn member of the Department.

Stop: Any detention of a person and/or search, including consensual search of the person's body or property in the person's control or possession.

441.2 DATA COLLECTION

Peace officers within the Department shall complete all applicable data fields in the Department's Mark 43 RIPA report for all stops and submit the report prior to the end of the shift. The data fields include the following:

1. The time, date, duration, and location of the stop.
2. The reason for the stop.
3. The result of the stop, such as no action, warning, citation, property seized, or arrest.
4. If a warning or citation was issued, note the warning provided or the violation cited.
5. If an arrest was made, note the offenses charged.
6. The perceived race or ethnicity, gender, and approximate age of the person stopped provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. When reporting the required data elements, the peace officer shall make his or her determination based on personal observation only. For motor vehicle stops, this section only applies to the driver, unless any actions specified under the following subsection (7) apply in relation to a passenger. In that case, the reporting requirements of subsection (6) would also apply to any passenger.
7. Actions taken by the peace officer during the stop include the following:
 - (a) Whether the peace officer asked for consent to search the person, and if so, whether consent was provided.
 - (b) Whether the peace officer searched the person or any property, and if so, the basis for the search and the type of contraband or evidence discovered.
 - (c) Whether the peace officer seized any property, and if so, the type of property that was seized and the basis for seizing the property.

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Stops involving multiple peace officers shall only require reporting by one peace officer. In most cases, this shall be the peace officer making initial contact or the primary reporting officer.

441.3 EXCEPTIONS TO COMPLETION REQUIREMENTS

Officers are not required to complete a RIPA report in the following circumstances:

1. Detentions during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes, and other similar critical incidents.
2. Detentions during an active shooter incident.
3. Detentions or searches during routine security screenings of persons entering a building, school, or special event, including metal detector screening and any secondary searches that result from that screening.
4. Detentions during a crowd control situation in which pedestrians are directed to remain at a location or are routed to a different location for public safety purposes.
5. Interactions where persons are detained at a residence only, so that officers may check for proof of age to investigate underage drinking.
6. Checkpoints or roadblocks in which an officer detains a person as the result of a blanket regulatory activity that is not based on an individualized suspicion or personal characteristic.
7. Passenger(s) of traffic stops who are not the subject of an investigation or enforcement action (e.g., any person being asked to exit a car prior to impound).
8. The targeted subject(s) of a warrant, search condition, home detention, or house arrest while in their residence.
9. Consensual encounters that do not result in a search or detention.

441.4 SUPERVISOR RESPONSIBILITIES

Supervisors shall be responsible for:

- (a) Reviewing RIPA reports in a timely manner to ensure that officers are properly completing RIPA documentation in accordance with AB 953.
- (b) Directing the completing officer to revise the narrative portions of the RIPA form when appropriate.

441.5 WATCH COMMANDER RESPONSIBILITIES

Watch Commanders shall be responsible for ensuring that supervisors review all RIPA reports for completeness and accuracy in a timely manner.

441.6 REPORTING TO THE CALIFORNIA ATTORNEY GENERAL

The Property and Records Manager is the custodian of all data collected. The Property and Records Manager or designee shall ensure that stop data is collected and reported in accordance with Government Code § 12525.5 and that all data is used strictly within the scope of compliance within this policy. The data provided to the California Attorney General shall not include the name, address, social security number or other uniquely personal identifying information of

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persons stopped, searched, or subjected to a property seizure, and shall not include any uniquely identifying information of the peace officer collecting the data.

All RIPA data collected is public record and open to public inspection. No identifying information about the peace officers collecting the data shall be publicly disclosed.

Department members, other than the Property and Records Manager or designee, may not access the Department's server to view RIPA data without authorization from the Chief of Police or designee. The RIPA data collected shall not be used for disciplinary purposes or for use in performance evaluations.

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 requests from the public, 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:

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.

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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 American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

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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.

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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.**

The Division Commander shall then review the recommendations and within three (3) days forward his/her assessment and recommendation to the Chief of Police.

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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 Unit. 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 the property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator. Employees shall provide a description of the property within the vehicle and may use their BWC to accomplish this task. The Department member shall telephone the Records Section to provide a verbal notification of impound and hand-deliver the original storage report to a Records Specialist by the end of the shift.

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).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

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 that 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 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.

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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 mail as applicable and as provided in Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), and Vehicle Code § 14602.6(a)(2). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Department
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage
- (c) The authority and purpose for the removal of the vehicle
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice

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 the 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.

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- (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.
- (c) The vehicle is owned by a person whose vehicle(s) have been impounded at any time 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.

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- (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 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, providing for the safety of officers, and protecting 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) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding the 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

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Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3 and Vehicle Code § 22850.5).

- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period 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.

502.7 TOWING FOR EXPIRED REGISTRATION

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

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); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

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(b)). The Traffic Lieutenant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

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.

The Traffic Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

504.4 FIELD TESTS

The Traffic Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

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- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.2 BREATH SAMPLES

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

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alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

504.5.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

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504.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

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- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 RECORDS SECTION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.8 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.9 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

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504.10 ARREST AND INVESTIGATION

504.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.10.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

Traffic Citations

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 Operations Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Operations Bureau Manager may request the Traffic Lieutenant 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 Traffic Lieutenant 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.

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 the Records Section by the end of shift.

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Upon separation from employment with this department, all employees issued traffic citation 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 (Vehicle Code § 40215; Vehicle Code § 40230):

- (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; Vehicle Code § 40210).

505.7.3 COSTS

- (a) There is no cost for an administrative review.

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- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (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.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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 § 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 Marked Vehicle Card. No case number is required at this time.

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 Marked Vehicle Card. 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 Marked Vehicle Cards shall be submitted to the Traffic Unit for computer data entry.

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 a Marked Vehicle Card 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 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

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Richmond Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 PROFESSIONAL STAFF MEMBER RESPONSIBILITIES

A professional staff member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given a *Miranda* warning unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Division Commander. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

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

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- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and timely repair or replacement is not feasible.
- (g) The questions are part of routine processing or booking and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

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600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation, and storage of computers, cell phones, and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such a seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigative Services Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) Usage and privacy policy is developed that includes:
 - (a) The purposes for which using cellular communications interception technology and collecting information is authorized.
 - (b) Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 - (c) Training requirements necessary for those authorized employees.
 - (d) A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 - (e) Process and time period system audits.
 - (f) Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other parties for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 - (g) The purpose of, the process for, and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 - (h) The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage, privacy procedures, and all applicable laws.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Bureau Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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600.10 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Richmond Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the city to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigations Division supervisor should provide the Records Manager with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Section policy for additional guidance.

600.12 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.12.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Investigations Division supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code § 11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

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600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Investigations Division supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Section for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Section Policy for additional guidance).

Sexual Assault Investigations

601.1 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.

601.2 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.

601.2.1 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.

601.2.2 ASSIGNED OFFICER'S RESPONSIBILITY AT THE SCENE

- (a) Determine the location and condition of the victim.
- (b) Determine if a crime has been committed. If rape has not occurred, possibly an assault of another nature has taken place.

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- (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 the 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.

601.2.3 TEAM SERGEANT RESPONSIBILITIES

- (a) Assign officers to ensure the crime scene is protected and notify the Watch Commander.
- (b) If a suspect has been apprehended:

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1. The suspect should initially be examined for any trauma that may have resulted from a 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.

601.2.4 WATCH COMMANDER RESPONSIBILITIES

- (a) Ensure that the Team Sergeant has adequate resources to maintain the crime scene.
- (b) Notify the Criminal Investigations Lieutenant for a call-out of Domestic and Sexual Violence Unit detectives.
- (c) Notify the Operations Bureau Commander.
- (d) Document the incident on the OIC Log.

601.2.5 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 the suspect;
 3. Corroborate information already obtained through investigation;
 4. Obtain incriminating statements including admissions and confessions (audio/video tape is best).

601.2.6 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);

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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.

601.2.7 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 the authority of 300 WIC, Police Protective Custody. The investigating officer will complete the appropriate release documentation prior to surrendering the victim to CPS.

601.2.8 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.

601.2.9 DOCUMENTATION

The preliminary investigative report should contain the necessary documentation including:

- (a) Statements of the 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.

601.2.10 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;

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7. Need for the 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 ensure 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

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Richmond Police Department seizes property for forfeiture or when the Richmond Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):
 - 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
 - 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
 - 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
 - 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
 - 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
 - 1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
 - 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The Richmond Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Richmond Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle, or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact a General Crimes Unit 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 a 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 General Crimes 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.

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602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
 - 1. The property subject to forfeiture is legally seized incident to an arrest.
 - 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats, or airplanes are owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate, and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

602.3.3 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 the circumstances of the seizure as soon as possible.

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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.

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property 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.

Photographs should be taken of items seized, particularly cash, jewelry, and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Custodian is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

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602.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.

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2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
 4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - (j) Ensuring that the process of selling or adding a forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
 - (k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).
 - (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code § 11471).
 - (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of the seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

602.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Health and Safety Code § 11469).

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The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

602.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Richmond Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

602.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat, or airplane whose right, title, interest, or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If an investigation reveals that any person, other than the registered owner, is the legal owner and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Richmond Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Richmond Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Richmond Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Chief of Police or the authorized designee

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603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Investigations Bureau Commander, Investigations Division Commander, or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees, or agents of the Richmond Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - (a) Members shall not become intimately involved with an informant.
 - (b) Social contact shall be avoided unless it is necessary to conduct an official investigation and only with prior supervisor approval.
 - (c) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior supervisor approval.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a

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determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigations Bureau. The Investigations Division Commander or authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, detective supervisor, or their authorized designees.

The Investigations Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. When a supervisor managing the informant files is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The number of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value, or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

Detective Sergeants will discuss the above factors with the Investigations Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

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- (a) Payments of \$500 and under may be paid in cash from an Investigations Division buy/expense fund.
 - (a) A detective supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 - 1. The check shall list the case numbers related to and supporting the payment.
 - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 - 4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 - (a) The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Richmond Police Department case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 - (b) The cash transfer form shall be signed by the informant.
 - (c) The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

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603.6.3 AUDIT OF PAYMENTS

The Investigations Division Commander or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts, and logs) will assist with the audit process.

Investigations Division Personnel Notifications

604.1 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.

604.2 HOMICIDE STAND-BY TEAM

The following situations require a 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.

604.3 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 Person 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 detectives.

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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.

604.3.1 NOTIFICATIONS REGARDING IMPORTANT INFORMATION

The Watch Commander may also authorize the notification of the Investigations Division Commander or Unit Supervisor in situations where the information is believed to be too important to wait until the next regular work day.

604.3.2 24-HOUR AVAILABILITY

The following personnel are generally available on a twenty-four (24) hour basis

- (a) Criminal Investigations Division Lieutenant
- (b) Homicide Stand-by Team Sergeant
- (c) Homicide Stand-by Team Detectives

Personnel assigned to the above positions are available by department-issued mobile telephone. In all cases, contact should first be attempted at the mobile number prior to calling the member's home or personal phone.

The Watch Commander or designees should always consult the weekly Investigations Section Call-Outs and Notifications list for current assignments to the above positions.

604.3.3 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 Investigations Division Lieutenant should be contacted prior to the Section Supervisor's response.

Eyewitness Identification

605.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

605.1.1 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.

605.2 POLICY

The Richmond Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

605.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

605.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Division Commander shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

605.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

605.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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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.

605.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

605.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

605.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 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, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

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- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

605.8 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

605.8.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

Brady Material Disclosure

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

606.1.1 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.

606.2 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.

606.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

606.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

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- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or another 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.

606.5 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.

606.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Unmanned Aerial System

607.1 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.

607.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

607.2 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.

607.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers 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.

607.4 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, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- 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 written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- 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. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

607.5 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

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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
- 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

607.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

607.7 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

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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.

Warrant Service

608.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

608.2 POLICY

It is the policy of the Richmond Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

608.3 OPERATIONS DIRECTOR

The Investigations Division Commander (see the Operations Planning and Deconfliction policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate the service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing, and debriefing should follow guidelines in the Operations Planning and Deconfliction policy.

608.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction policy).

608.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

608.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure policy).

608.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the

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designated members to the presence of potential evidence and not touch or disturb the items.

- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

608.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on the circumstances and facts present, it may be appropriate to control the movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

608.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts, and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

608.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment

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- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Richmond Police Department are utilized appropriately. Any concerns regarding the requested use of Richmond Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Richmond Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed, and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Richmond Police Department when assisting outside agencies or serving a warrant outside Richmond Police Department jurisdiction.

608.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.12 TRAINING

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service, and reporting requirements.

Operations Planning and Deconfliction

609.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction, and execution of high-risk operations. Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service policy.

609.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

609.2 POLICY

It is the policy of the Richmond Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

609.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

609.4 RISK ASSESSMENT

609.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

609.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

609.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - (a) SRT
 - (b) Additional personnel
 - (c) Outside agency assistance
 - (d) Special equipment
 - (e) Medical personnel
 - (f) Persons trained in negotiation
 - (g) Additional surveillance

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- (h) Canines
 - (i) Property and Evidence Section or analytical personnel to assist with cataloging seizures
 - (j) Forensic specialists
 - (k) Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

609.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

609.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
 - (a) The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 - (b) The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- (c) Other environmental factors (e.g., nearby venues such as schools and daycare centers, the proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
 - (d) Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
 - (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
 - (d) Participants and their roles.
 - (a) An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - (b) How all participants will be identified as law enforcement.
 - (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
 - (f) Identification of all communications channels and call-signs.
 - (g) Use of force issues.
 - (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
 - (i) Plans for detaining people who are not under arrest.
 - (j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
 - (k) Communications plan.
 - (l) Responsibilities for writing, collecting, reviewing, and approving reports.

609.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately on the Department P Drive and retained in accordance with the established records retention schedule.

609.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participant's understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - (a) Exceptions may be made by the operations director for officers who are conducting surveillance or working undercover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - (a) It is the responsibility of the operations director to ensure the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - (b) If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - (c) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

609.8 SRT PARTICIPATION

If the operations director determines that SRT participation is appropriate, the director and the SRT supervisor shall work together to develop a written plan. The SRT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SRT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

609.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press releases after the fact shall be handled in accordance with the Media Relations policy.

609.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SRT debriefing.

609.11 TRAINING

The Training Sergeant should ensure officers and SRT team members who participate in operations subject to this policy should receive periodic training including, but not limited to,

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topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Wanted Persons Bulletin

610.1 PURPOSE AND SCOPE

The Wanted Persons Bulletin has been established to enhance the knowledge of patrol officers of known criminals in the community and to expedite their detection and apprehension.

610.2 POLICY

- (a) Intradepartmental Communication "wants" issued by Patrol Division officers shall not be placed in the Wanted Persons Bulletin. Intradepartmental Communication wants to be issued by patrol officers will expire after 72 hours.
- (b) It shall be the responsibility of the assigned detective 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.
 - 1. One binder will be kept in the Crime Analysis Section.
 - 2. An active and current Bulletin will be maintained on the Department's 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 Persons Bulletin to the originating detective at the expiration of 30 days if not cleared.
- (f) The originating detective may elect to:
 - 1. Request the re-issue of the Bulletin for another 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 the Communications Center immediately for cancellations.

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. The

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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 via Blue Team 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 employee's Bureau Captain who will determine whether the damage was necessary or requires an administrative investigation.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to City property 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 who will conduct the necessary follow-up and/or notifications for reimbursement

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 generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Richmond Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, 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. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

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

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work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, 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.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

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) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by department procedures.
 - 1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 - 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 - 3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment

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or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.

- (f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, and 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.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate recordkeeping.

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) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Chief of Police or the authorized designee.

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- (f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (g) 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. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

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 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves

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- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

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
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

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.

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702.6 PROFESSIONAL STAFF EMPLOYEE USE

Professional Staff employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Professional Staff employees shall also prominently display the “out of service” placards or lightbar covers at all times. Professional Staff employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Richmond to provide assigned take-home vehicles.

703.2 POLICY

The Richmond Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

703.2.1 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.

703.2.2 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

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 members' personal vehicles shall not be parked in front of the Police Station.

703.2.3 INSPECTIONS

Members 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 shifts. 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.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner, or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

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703.2.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.2.5 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on duty. If the vehicle is not equipped with a working MDC, the member shall notify Communications Center. Use of the MDC is governed by the Mobile Digital Computer Use policy.

703.2.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule. Vehicle tracking data while off-duty is considered restricted and is separately covered in the Records Maintenance and Release policy under Release Restrictions.

703.2.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.2.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of the assignment, members may not violate state law regarding vehicle operation while intoxicated.

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703.2.9 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.2.10 PROFESSIONAL STAFF MEMBER USE

Professional Staff members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Professional Staff members shall prominently display the "out of service" placards or light bar covers at all times. Professional Staff members shall not operate the emergency lights or sirens of any vehicle unless expressly authorized by a supervisor.

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 of 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 in 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 a 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 commanding officer of 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 Operators. 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.

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Mobile Command Center (MCC)

- d) Authorized drivers will possess a valid Class B California Driver's 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.

Cash Handling, Security and Management

705.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

705.2 POLICY

It is the policy of the Richmond Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure public trust.

705.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

705.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

705.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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Cash Handling, Security and Management

705.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or detective supervisor duties shall discharge those duties in accordance with the Property/Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

705.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification, and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Personal Protective Equipment

706.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable diseases, as those issues are addressed in the Body Armor and Communicable Diseases policies.

706.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

706.2 POLICY

The Richmond Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

706.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for the proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention policy to recommend new or improved PPE or additional needs for PPE.

706.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

706.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Armorer shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

706.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of the chest, arm, leg, and groin protection should be provided as required by any collective bargaining agreement.

706.7 RESPIRATORY PROTECTION

The Administration Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, includes the identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

706.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

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- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge, or canister.

706.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of their facepiece, and ensure that the respirator is replaced or repaired before returning to the affected area.

706.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dust, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste, or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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706.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

706.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

706.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

706.8 RECORDS

The Training Sergeant is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

706.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

Military Equipment

707.1 PURPOSE AND SCOPE

This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481 and establish guidelines for the funding, acquisition, use, and reporting requirements of "military equipment" as the term is defined in Government Code §7070. These obligations include but are not limited to seeking approval on specific items deemed by statute to be military equipment and requirements related to compliance, annual reporting, and complaints regarding these items.

707.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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707.2 POLICY

It is the policy of the Richmond Police Department that members of this department comply with the provisions of Government Code §7071 with respect to military equipment. Violations of this policy by member(s) of the Richmond Police Department will be investigated in accordance with the Department's Personnel Complaints policy.

707.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police shall designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as a liaison to the City Council for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the City Council.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Richmond Police Department.
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police (prior to submission to the City Council) and ensuring the report is made available on the department website.

707.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Richmond Police Department, as well as provides legal and procedural rules for use and training requirements.

[See attachment: Military Equipment Inventory Updated 09012024 \(002\).pdf](#)

707.5 APPROVAL OF THIS POLICY

The Chief of Police or authorized designee shall obtain approval from the City Council by way of an ordinance approving the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the City Council, a public hearing is held, and the policy is available on the Department's website for at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code §7071). The military equipment policy must be approved by the City Council prior to engaging in any of the following (Government Code §7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a

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- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

The City Council must be able to make the following findings in approving the Military Equipment Use policy as required by Government Code §7071(d)(1) in order to use military equipment:

- (a) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (b) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (c) If purchasing the equipment, the equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (d) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

707.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

707.7 MILITARY EQUIPMENT ANNUAL REPORT

Upon approval of this military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the City Council for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072). In considering the annual report and ordinance annually, the City Council needs to consider whether it can continue to make the findings in California Government Code §7071(d)(1).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is

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available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

707.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

707.9 COMMUNITY CONCERNS AND COMPLAINTS

Pursuant to Government Code §7070(d)(7), members of the public may register complaints or concerns or submit questions by any of the following means:

1. Email: AB481@richmondpd.net
2. In-person or mail:

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Attn: AB481 Coordinator

1701 Regatta Boulevard, Richmond, CA 94804

The Department is committed to responding to complaints, concerns, and/or questions received and should respond within ten business days of receiving the correspondence. Any complaints shall be referred to the Community Police Review Commission as the independent oversight body. All instances of non-compliance with the policy will also be reported to the City Council via the annual military equipment report.

707.10 MILITARY EQUIPMENT TRAINING

Military equipment shall only be used after applicable training, including any course required by the Commission on Peace Officer Standards and Training (P.O.S.T.), has been completed unless exigent circumstances exist.

707.11 CITY COUNCIL APPROVAL

Pursuant to California Government Code §7071, the City Council of Richmond approved this Policy pursuant to Ordinance 12.22 N.S. on October 19, 2022. The City Attorney and City Council should be notified in writing of any changes to this policy. All amendments to the policy must be reviewed and approved by City Council.

707.12 COMPLIANCE

The Department's AB481 Coordinator will ensure that Department members comply with this policy. The AB481 Coordinator will conduct an annual audit with assistance from members of the Office of Professional Accountability. Any violations will be referred to the Office of the Chief of Police and handled in accordance with the Department's Personnel Complaints policy. All instances of non-compliance will be reported to the City Council via the annual military equipment report.

Automatic Vehicle Locator (AVL) System

708.1 PURPOSE AND SCOPE

It is the policy of the Richmond Police Department to install, use, and maintain an Automatic Vehicle Locator (AVL) System in designated vehicles. The purpose of the AVL System is to assist Communications personnel with dispatching units and locating units during emergency situations. The AVL System is comprised of Verizon Network Fleet and Mark 43 GPS software and is intended to provide field personnel with an enhanced mapping and call routing companion to the Computer Aided Dispatch system.

708.2 RESPONSIBILITIES AND FUNCTION

708.2.1 FIELD PERSONNEL

Field personnel assigned to a vehicle equipped with an AVL System will have the ability to utilize an enhanced mapping system with call routing information displayed on their mobile data computer screens. The AVL System will also have the ability to provide field personnel with their current location. Field personnel assigned to a vehicle equipped with an AVL System that is not functioning should report the problem to the Vehicle Fleet Coordinator as soon as practicable and exchange the vehicle for one with a properly functioning AVL System as availability permits.

Employees operating vehicles equipped with AVL technology shall not disable, reconfigure, or otherwise tamper with the equipment or its settings.

708.2.2 COMMUNICATIONS PERSONNEL

- (a) Will have the ability to utilize the AVL System in order to select and dispatch a unit to a call for service based on their location.
- (b) Will have the ability to utilize the AVL System to locate field personnel involved in emergencies or perceived emergency situations, such as pursuits, emergency button activations, or a lack of response to radio transmissions.
- (c) Should verify that all in-service vehicles with AVL Systems are displayed on the AVL screen in Communications and shall notify any unit when their AVL System is not properly functioning.
- (d) Should not utilize the AVL System to monitor the movements of individual officers involved in routine activities.
- (e) Other than routine calls for service, Communications personnel may use the system to dispatch the closest unit to Priority 1 calls or any call requiring an immediate response. Though the closest unit will ordinarily be dispatched to the scene, it is still the responsibility of the assigned beat officer to respond and handle the call and any report.
- (f) Should use the AVL System to assist personnel in locating units who fail or are unable to respond to radio or MDC transmissions.

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Automatic Vehicle Locator (AVL) System

- (g) Should use the AVL System to assist units and supervisors in the establishment of crime scene perimeters and area searches.
- (h) Should use the AVL System to assist personnel and supervisors involved in pursuits with appropriate transmissions regarding location, direction, speed, and units involved.

708.2.3 SUPERVISORY AND MANAGEMENT PERSONNEL

- (a) Watch commanders and patrol sergeants should familiarize themselves with the capabilities of the AVL System and ensure its proper use.
- (b) Watch commanders and patrol sergeants should regularly monitor the AVL System to assist with the effective and efficient deployment of personnel during their shifts.
- (c) The AVL System is not intended to be used as a management/supervisory tool to routinely or randomly monitor the movements of field personnel.
- (d) While the AVL System is not intended as a disciplinary tool, supervisors should investigate allegations of misconduct by accessing all available information, including AVL System information when appropriate.

708.3 AUTOMATIC VEHICLE LOCATOR DATA

The system is capable of storing historical data relating to a variety of information about each patrol unit for a given date and time, including call sign, unit status, incident type, location, speed, and heading. All data from the Mark 43 GPS Pinger will be stored on the department server pursuant to City retention requirements. Verizon Networkfleet stores data from its vehicle fleet management software for 90 days.

Access to historical AVL System data may be permitted under the following conditions.

- (a) The AVL System database may be reviewed by a manager or supervisor, or an investigator participating in an official Department investigation, such as a personnel complaint, claims investigation, administrative inquiry, or criminal investigation.
- (b) In response to criminal or civil subpoenas requesting data stored in the AVL System database.
- (c) When authorized by the Operations Bureau Commander to conduct system integrity and functionality audits.

Bunkhouse Trailer

709.1 PURPOSE AND SCOPE

The police bunkhouse trailer offers a number of advantages for sworn and professional staff. It is vitally important for employees to be rested and sleep before driving or working because sleep deprivation can impair cognitive abilities and physical coordination. This can lead to accidents, injuries, and mistakes.

709.1.1 DEFINITION

Bunkhouse Trailer - A bunkhouse trailer is a type of recreational vehicle (RV) that is designed to provide sleeping accommodations for multiple people.

709.2 USE

This policy is implemented to ensure that Department provided accommodations are kept in a safe and well-maintained condition. The following regulations have been established for employees requiring the use of the police department's bunkhouse trailer:

- Employees shall be courteous and polite at all times to others with respect to noise level being created in and around the bunkhouse.
- Bunkhouse rooms are available on a first-come, first-served basis and reserving a room is not allowed.
- Bunkhouse rooms are for single-occupancy and no guests are allowed at any time.
- All employees shall check-in with the on-duty Watch Commander prior to utilizing the bunkhouse and check-out with the Watch Commander immediately afterwards.
- Employees are responsible for keeping their bunkhouse room clean at all times.
- Employees are responsible for their own bedding.
- No alcoholic beverages shall be possessed or consumed in the bunkhouse at any time.
- Smoking or tobacco products of any kind are prohibited.
- No food or drink (other than water) is allowed inside the bunkhouse.
- Bunkhouse rooms should not be utilized for more than 10 hours at a time.
- Upon vacating a bunkhouse room, employees shall remove all trash and personal belongings, clean bunk with provided sanitary wipes, and retract stairwell into bunk room.

The Chief of Police shall have the discretion to deny or revoke an employee's privilege at any time.

Assigned Vehicle Program

Effective Date:	January 7, 2024
Revised Date:	January 8, 2024
Issuing Authority: Captain John Lopez	

710.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure City-owned vehicles are used appropriately. This policy shall not be construed to create or imply any contractual obligation by the City of Richmond to provide assigned vehicles. Participation in the Assigned Vehicle Program is a privilege, not an automatic fringe benefit or right. Permission to participate in this program may be withdrawn at any time by the Chief of Police. The longevity of the Assigned Vehicle Program depends largely on the program's long-term cost effectiveness.

The Assigned Vehicle Program increases the department's visibility with the public, longevity of the vehicles, and the response time for officers during emergency situations.

710.1.1 POLICY

The Richmond Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations. Failure to adhere to this policy may result in discipline and loss of vehicle assignment.

710.2 ASSIGNMENT OF VEHICLES

Vehicles are assigned by the Fleet Manager based on the employee's job requirements and on what vehicles are available at the time of the assignment.

When the Fleet Manager receives notice of a change of assignment for an employee, the Fleet Manager will send the employee an email indicating their assigned vehicle number and effective date of the assignment. This email and the accompanying Assigned Vehicle Agreement form will be generated whenever a change is made to the employee's vehicle assignment. A copy of the email will be sent to the employee's chain of command. The Assigned Vehicle Agreement form will be maintained by the Fleet Manager. Seniority will be taken into consideration when issuing new vehicles, however, the Chief of Police or his/ her designee will have the ultimate authority on how vehicles are assigned based on department needs.

Probationary employees will not be eligible to participate in the Assigned Vehicle Program. Lateral employees who have successfully completed patrol field training from another agency and have successfully completed our Field Training Program are eligible to participate.

Pool cars shall not be taken home without permission from the Fleet Manager, or on-duty Watch Commander if the Fleet Manager is not available. If an employee must leave their assigned vehicle

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Assigned Vehicle Program

overnight for maintenance, the employee must make other arrangements for transportation to and from work until their assigned vehicle is returned.

Subject to the Watch Commander's authorization, on-duty officers are permitted to provide transportation to officers when circumstances necessitate such action.

710.2.1 USE OF ASSIGNED VEHICLES

City-owned vehicles shall only be used for work-related purposes and shall not be used for personal errands, or transports unless special circumstances exist and the employee's supervisor gives authorization. Assigned vehicles may be used for travel related to a work assignment as follows:

- (a) 1. (a) Sworn employees living within 60 miles of Richmond city limits will be allowed to take an assigned vehicle home.
- (b) Exceptions to the 60-mile rule may be made with the approval of the Chief of Police.
- (c) Probationary employees will not be eligible to participate in the Assigned Vehicle Program . Lateral employees who have successfully completed patrol field training from another agency and have successfully completed our Field Training Program are eligible to participate.
- (d) Those employees who are eligible to take their cars home based on the above criteria shall provide off-street parking for the police vehicle. The address where the vehicle will be parked when not in use shall be current on the Assigned Vehicle Agreement form.
- (e) Employees who live more than 60 miles away may choose to park it in the secured lot of a local police or fire department. The address must be provided and current on the Assigned Vehicle Agreement form. Written proof of permission from that agency may be required.
- (f) All rules of the road shall be obeyed unless exigent circumstances warrant an emergency response. Policy Manual 310 Response to Emergency Calls shall be adhered to in these circumstances.

710.3 ENFORCEMENT ACTION

When driving an assigned vehicle to and from work outside of the jurisdiction of the Richmond Police Department or while off-duty, an officer should not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies). All off-duty action shall be immediately reported to the on-duty Watch Commander, or as soon as practicable.

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist). Officers should also ensure that department radio communication capabilities are maintained to the extent feasible or by department cellphone.

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710.3.1 ATTIRE AND APPEARANCE

While operating a department assigned vehicle, authorized members will carry and have accessible their duty firearms and be fully prepared to perform any function they would be expected to perform while on duty.

Members shall have fully identifiable police attire when operating an assigned vehicle (Uniform, Raid Jacket etc.) to include their department issued identification and police badge. Examples of inappropriate attire include, but are not limited to, clothing with offensive slogans, revealing attire, lack of a shirt, and footwear that would not allow an officer to render public assistance if necessary.

Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

710.3.2 REPORTING

Any officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee. Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

710.4 ASSIGNED VEHICLE EQUIPMENT

No modifications, additions, or deletions of any equipment shall be made to the vehicle without written permission from the Fleet Manager.

The Department will provide a standardized inventory of vehicle supplies. Employees assigned to a vehicle shall be responsible for restocking the vehicle as necessary from equipment and supply reserves maintained by the department while on-duty.

Employees should not remove equipment, including the spare tire, from one vehicle and attach it to another vehicle unless there is an emergency need, and a supervisor approves. An email should be sent to the Fleet Manager advising them of the equipment removal at the first opportunity so that it can be replaced. The department Fleet Manager is the only personnel authorized to remove or replace equipment, conduct maintenance, or install new equipment.

710.4.1 LEAVE AND WEAPON STORAGE

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 Richmond Police Department.

Vehicles not in use or under the immediate control of the employee shall be locked. All firearms, Tasers, and other weapons shall be removed from the vehicle when the officer goes off duty. All firearms shall be stored in accordance with the Firearms policy.

710.4.2 INSPECTIONS

All City owned vehicles are subject to inspection and/or search at any time by any supervisor. No employee assigned to, or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle. Members 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 shifts.

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Any damage, mechanical problems, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

Supervisors shall, at a minimum, perform monthly inspections of vehicles assigned to employees under their command to ensure vehicles are being properly maintained (cleanliness, damage, scheduled maintenance).

710.5 POOL VEHICLES

On-duty sworn personnel should use marked pool vehicles when their assigned unit is not in service. The marked pool vehicle is not to be used as transportation for training, and should not be taken home without approval from the Fleet Manager or on-duty Watch Commander. When an officer uses a pool vehicle, at the end of their shift he/she shall remove all trash, personal belongings, and equipment. Unassigned marked units that are not designated as pool cars should not be used without permission from the Fleet Manager or on-duty Watch Commander and shall be signed out/in.

After using a marked pool vehicle, the driver shall ensure the car has a full tank of gas and the interior is clean.

710.6 MAINTENANCE

- (a) 1. (a) Each employee is responsible for the cleanliness (exterior and interior) and overall facilitation of maintenance of their assigned vehicle while on-duty.
- (b) Employees shall make daily inspections of their assigned vehicle for service/ maintenance requirements and damage. (Inspections is governed by the Vehicle Use Policy)
- (c) An employee whose assigned vehicle is not operable at their home shall immediately contact the on-duty Watch Commander.
- (d) Supervisors shall, at a minimum, perform monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.
- (e) Routine maintenance and oil changes shall be done in accordance with the Fleet schedule. The vehicles will normally be serviced at the corporation yard.
- (f) When leaving a vehicle for maintenance, the employee will complete a service request form available in the lineup room.
- (g) Each member is responsible for maintaining adequate fuel levels before leaving city limits and ensuring the assigned vehicle is refueled at authorized locations.

710.6.1 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting policy).

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Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format, and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

710.6.2 TRAFFIC COLLISIONS

When any department vehicle is involved in a traffic collision, Traffic Collision Reporting policy shall apply. Traffic Collision Reporting is separately covered in the Traffic Operations policy under Traffic Collision Reporting. In addition, if the employee is found to be the party at-fault, the following point system shall apply:

- (a) 12+ points = loss of Assigned Vehicle Program privileges for three months
- (b) 18+ points = loss of Assigned Vehicle Program privileges for six months
- (c) 27+ points = loss of Assigned Vehicle Program privileges for twelve months

This policy is subject to exceptions at the sole discretion of the Chief of Police. Additionally, exemptions may be granted to employees serving in an on-call capacity or holding specialty positions that necessitate an assigned vehicle due to the nature of their duties.

710.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency or official police duties shall pay the appropriate toll charge or utilize FasTrak. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Participation in the Assigned Vehicle Program requires members to provide proof that their vehicle is placed on their personal FasTrak account.
- (c) Members passing through a toll plaza or booth during a response to an emergency shall notify the Watch Commander. The Watch Commander shall complete an email to the Fleet Manager explaining the circumstances.

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 DUTIES

The Crime Analysis Unit shall be responsible for:

Overseeing and facilitating the Crime Accountability 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:
 1. The collection, collation, analysis, documentation, maintenance, and dissemination of intelligence data in accordance with the department's Criminal Street Gangs policy, the California Public Records Act (Government Code §6250, et seq.), and § 28 Code of Federal Regulations Part 23.
 2. Major case management.

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3. Case visualization products i.e., link analysis, hierarchy depictions, timelines, 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. 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 CRIME ACCOUNTABILITY INFORMATION

This data and statistical information are included in the monthly Crime Accountability report.

- Citywide Crime Statistics
- Part 1 Crime - Percentage Change by Area
- Southern District Crime Report
- Central District Crime Report
- Northern District Crime 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
- Beat 1 Crime Report
- Beat 2 Crime Report
- Beat 3 Crime Report
- Beat 4 Crime Report

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- Beat 5 Crime Report
- Beat 6 Crime Report
- Beat 7 Crime Report
- Beat 8 Crime Report
- Beat 9 Crime 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.

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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.

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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.

Communications Center

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 POLICY

It is the policy of the Richmond Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides a two-way radio capability providing continuous communication between Communications Center and department members in the field.

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 the request
- Name and address of the complainant, if possible
- Type of incident reported
- Location of the 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 the reported incident

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.

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Communications Center

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 a continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

802.4 RESPONSIBILITIES

802.4.1 COMMUNICATIONS CENTER MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Manager. The Communications Manager is directly responsible to the Administration Division Commander or authorized designee.

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

- (a) Overseeing the efficient and effective operation of Communications Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training, and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Communications Center information for release.
- (f) Maintaining Communications Center database systems.
- (g) Maintaining and updating Communications Center procedures manual.
 - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
 - 2. Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

802.4.2 ADDITIONAL PROCEDURES

The Communications Manager should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.

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- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas, and power sources for Communications Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent, and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

802.4.3 DISPATCHERS

Dispatchers report to the Communications Manager. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 - (a) Emergency 9-1-1 lines.
 - (b) Business telephone lines.
 - (c) Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 - (d) Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 - (e) Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Communications Center, department, and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations, and the nature of calls for service.

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- (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
 - 1. Vehicle pursuits.
 - 2. Foot pursuits.
 - 3. Assignment of emergency response.

802.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location, and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual, and the interpreter.

Dispatchers should be courteous, patient, and respectful when dealing with the public.

802.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

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802.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

802.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledge the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledge and respond promptly to all radio transmissions.
- (c) Members keep the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgments shall be concise and without further comment unless additional information is needed.

The Communications Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

802.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Richmond Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

802.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment, and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

802.7 DOCUMENTATION

It shall be the responsibility of Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating

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conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of the request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of the incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of the reported incident.

802.8 CONFIDENTIALITY

Information that becomes available through Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files, or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

802.9 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

Property and Evidence Section

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 member who first comes into possession of any property shall retain such property in their 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.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

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 member going off-duty unless otherwise approved by a supervisor. Members 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.

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- (b) Mark each item of evidence with the booking member's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right-hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

803.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Section and detectives. The remaining copy will be detached and submitted with the case report.

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

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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.

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.

803.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number, or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold, or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property and Evidence Technician shall ensure the Records Manager is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Section policy).

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

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803.4.1 PACKAGING CONTAINER

Members shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

803.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. 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 an envelope of appropriate size available in the report room. 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 tag 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 property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Richmond Police Department shall be noted in the property logbook.

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.

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. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property and Evidence Technician. This request may be filled out any time after booking of the property or evidence.

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803.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member 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 member to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

803.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted 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 member 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.

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.

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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, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition 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 Investigations Division will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

803.6.8 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

803.6.9 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property and Evidence Technician shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, another successive order has been issued against the

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individual, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 29825.5; Penal Code § 33855).

803.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order, verification that the person is not otherwise legally prohibited from possessing a firearm, and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18108; Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, they are entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Richmond Police Department determines the person to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

803.6.11 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms, other deadly weapons, or ammunition confiscated or relinquished from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

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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 § 25700; Penal Code § 26110; Penal Code § 26395; Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

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 be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held, and that the money will become the property of the agency on a designated date, not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

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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 supervisor of the evidence custodian 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

804.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Richmond Police Department Records Section. The policy addresses department file access and internal requests for case reports.

804.2 POLICY

It is the policy of the Richmond Police Department to maintain department records securely, professionally, and efficiently.

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 Manager. The Records Manager 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 Manager should forward the petition to the Investigations Division Commander and the City Attorney for review. After such review and consultation with the City Attorney, the Investigations Division Commander and the Records Manager shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records Manager shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Records Manager should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

804.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Watch Commander.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

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804.5 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

804.6 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Records Manager should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

Restoration of Firearm Serial Numbers

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.

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Restoration of Firearm Serial Numbers

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 Maintenance and Release

806.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information policy.

806.2 POLICY

The Richmond Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

806.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department bureau responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

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806.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

806.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 - 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

806.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying

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or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the City Attorney, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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- (n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

806.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

806.7 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Office of Professional Accountability supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

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806.7.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

806.7.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

806.7.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

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806.7.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

806.8 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

806.9 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Manager shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

806.9.1 SEALING JUVENILE RECORDS

Upon receiving notice from a probation department to seal a citation, juvenile arrest records, or other related records pursuant to Welfare and Institutions Code § 786.5, the Records Manager

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should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

Upon receiving a list of juvenile arrest records that are eligible to be sealed from the California Department of Justice (DOJ), the Records Manager or the authorized designee shall review the records identified in the list and determine if the records are eligible to be sealed in accordance with Welfare and Institutions Code § 781.2. Within six months of receiving the list, the Records Manager or the authorized designee shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

806.10 SECURITY BREACHES

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
 - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
 - 3. Medical information
 - 4. Health insurance information
 - 5. Information or data collected by Automated License Plate Reader (ALPR) technology
 - 6. Unique biometric data
 - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

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806.10.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
 - 1. The date of the notice.
 - 2. Name and contact information for the Richmond Police Department.
 - 3. A list of the types of personal information that were or are reasonably believed to have been acquired.
 - 4. The estimated date or date range within which the security breach occurred.
 - 5. Whether the notification was delayed as a result of a law enforcement investigation.
 - 6. A general description of the security breach.
 - 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Richmond Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
 - 1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 - 2. When the breach involves an email address that was furnished by the Richmond Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

806.10.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 - 1. Written notice.
 - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 - 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have

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sufficient contact information. Substitute notice shall consist of all of the following:

- (a) Email notice when the Department has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

Protected Information

807.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the Richmond Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release policy.

807.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored, or accessed by members of the Richmond Police Department and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state, or local law enforcement databases that is not accessible to the public.

807.2 POLICY

Members of the Richmond Police Department will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

807.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records, and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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807.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Richmond Police Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints policy and/or criminal prosecution.

807.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release policy).

807.5.1 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, and other department members of the public are at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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807.5.2 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

807.6 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

807.6.1 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 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.

807.6.2 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.

807.6.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Manager, 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 the 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 Commander 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.

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807.7 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.

807.8 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.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Department policy.

Employees who obtain, or attempt to obtain, information from Department files other than that to which they are entitled in accordance with their official duties are in violation of the Department's Standards of Conduct policy.

807.9 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (Government Code § 8310.3).

Computers and Digital Evidence

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.

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4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

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.

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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

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

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carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

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.

Animal Control

809.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

809.2 POLICY

It is the policy of the Richmond Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

809.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

809.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

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3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

809.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

809.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

809.7 STRAY DOGS

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

809.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

809.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

809.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed by the Animal Services Department or a crime scene cleaning service..

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

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809.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

809.11.1 VETERINARY CARE

The injured animal should be taken to a veterinarian as follows:

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.
- (c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

809.11.2 INJURED WILDLIFE

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

809.11.3 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

- (a) Make a reasonable effort to locate the owner before entering the vehicle.
- (b) Take steps to minimize damage to the vehicle.
- (c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
- (d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

809.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

Chapter 9 - Custody

Arrest and Booking Procedures

900.1 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.

900.2 MISDEMEANOR ARRESTS

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.

900.3 FELONY ARRESTS

All felony arrests shall be booked into the Richmond Temporary Detention Facility. The Jailer shall notify the Patrol Sergeant of all felony bookings. The notified Patrol Sergeant shall ensure that an on-duty detective is notified of the felony arrest prior to the suspect being transported to the Martinez Detention Facility. The Watch Commander may notify on-call detectives if appropriate.

900.4 OUTSIDE AGENCY ARRESTS

Outside agency arrests shall not routinely be booked into the Richmond Temporary Detention Facility. The Patrol Sergeant 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.

900.5 MARTINEZ TRANSPORTATIONS/BOOKINGS

Jailers or transporting officers will ensure a Patrol Sergeant pre-approves the transportation of all in-custody persons to the Martinez Detention Facility. Approval considerations for transportations shall include the statutory requirement of the crime committed, the continuation of the crime, the need for detective interviews or follow-up, injury or illness of the arrestee, corpus of the crime, and ability of the Martinez Detention Facility to accept the arrestee, or the need for additional evidence gathering.

Temporary Custody of Adults

901.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Richmond Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches policy.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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

Temporary custody - The time period an adult is in custody at the Richmond Police Department prior to being released or transported to a housing or other type of facility.

901.1.2 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.

901.2 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 Administration Bureau 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 Lieutenant who is given appropriate collateral responsibility.

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- (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 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.

901.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

901.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Richmond Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
 - 1. If the officer taking custody of an individual believes that the individual may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.

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- (j) Any individual with an obvious developmental disability (15 CCR 1057).
- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

901.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

901.3.3 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the City, as required by 15 CCR 1027.

901.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.

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- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

901.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

901.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

- (a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 - 4. Ensure males and females are separated by sight and sound when in cells.

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5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

901.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
 - (c) Forward any communication from the individual to the individual's consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to the individual's consular officers without delay.

901.5 SAFETY, HEALTH AND OTHER PROVISIONS

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901.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Richmond Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including the individual's name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Richmond Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

901.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.

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- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

901.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Richmond Police Department. They should be released or transferred to another facility as appropriate.

901.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

901.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 - 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.

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- (b) The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
 - 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
- (c) Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

901.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

901.5.7 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

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901.5.8 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

901.5.9 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

901.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Richmond Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

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Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Watch Commander shall attempt to prove or disprove the claim.

901.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes (15 CCR 1027.5) and there shall be no more than a 60-minute lapse between safety checks.
 - (a) Safety checks should be at varying times.
 - (b) All safety checks shall be logged.
 - (c) The safety check should involve questioning the individual as to the individual's well-being.
 - (d) Individuals who are sleeping or apparently sleeping should be awakened.
 - (e) Requests or concerns of the individual should be logged.

901.8.1 USE OF SOBERING CELL

Individuals 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 individual in a sobering cell (15 CCR 1056):

- (a) Placement of an individual into the cell requires approval of the Watch Commander.

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- (b) A cell log shall be initiated every time an individual is placed in the cell. The log shall be maintained for the entire time the individual is housed in the cell.
- (c) A safety check consisting of direct visual observation sufficient to assess the individual'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 individual be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the individual does not have an urgent medical issue.
- (e) Individuals 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.

901.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the Richmond Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Watch Commander, Chief of Police, and Investigative Services Division Commander
- (c) Notification of the spouse, next of kin, or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Coroner
- (g) Evidence preservation
- (h) In-custody death review reports in compliance with 15 CCR 1046
 - 1. A copy of the initial review report of an in-custody death shall be provided to the BSCC within 60 days of the death.
- (i) Preparation of a written report to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)
 - 1. A copy of the report submitted to the Attorney General shall also be submitted to the BSCC within 10 days of the death (15 CCR 1046).
 - 2. Any change or new information that becomes available after the initial reporting to the Attorney General shall be updated in the report and provided to the Attorney General within 10 days of the date of the change or the date the new information becomes available.

901.9.1 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

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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.
- (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.

901.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms, and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Richmond Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier.

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If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

901.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

901.11 ASSIGNED ADMINISTRATOR

The Patrol Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans (e.g., natural disasters)
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the BSCC as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety, and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

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901.12 TRAINING

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

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Separation of incarcerated persons
- (d) Emergency procedures and planning, fire safety, and life safety
- (e) Suicide prevention
- (f) De-escalation
- (g) Juvenile procedures
- (h) Racial bias
- (i) Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Training Sergeant shall maintain records of all such training in the member's training file.

901.13 SECTION TITLE

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Richmond Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors, and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment, or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Richmond Police Department facilities. Except in exigent circumstances, the search should be conducted by

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a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Richmond Police Department identification number, and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.5 STRIP SEARCHES

No individual in temporary custody at any 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 individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Richmond Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Watch Commander.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex, and role of any person present during the search.
 - 7. The time and date of the search.

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8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without the written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Watch Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date, and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex, and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all persons in custody upon entering the secure booking area of the facility. Members (Penal Code § 4030):

- (a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.

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- (b) Should ask persons in custody if they are pregnant prior to a body scan and should not knowingly use a body scanner on a pregnant person.

902.9 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

902.10 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 - 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

Chapter 10 - Personnel

Police Cadets

1000.1 PURPOSE AND SCOPE

Cadets work under direct supervision and perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1000.2 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.

1000.3 PROGRAM COORDINATOR

An Operations Bureau Sergeant 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 assignment, status for compensation, school attendance, and performance evaluations.

1000.3.1 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.

1000.4 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 the progress of the program.

1000.5 CADET UNIFORMS

Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for non-sworn employees.

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1000.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development of each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Operations 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.

1000.7 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 in a ride-along.

1000.8 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.

Recruitment and Selection

1001.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Richmond Police Department and that are promulgated and maintained by the Personnel and Training Unit.

1001.2 POLICY

In accordance with applicable federal, state, and local law, the Richmond Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1001.3 RECRUITMENT

The Administration Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administration Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1001.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
 - 2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index

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- (l) Any relevant information in the National Law Enforcement Accountability Database

1001.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1001.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Richmond Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1001.5.1 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1001.5.2 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Richmond Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1001.5.3 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1001.5.4 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1001.5.5 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

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Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1001.5.6 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administration Division Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

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1001.5.7 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.
- (b) Reports and documentation for candidates not hired by the Department for a minimum of four years.

1001.5.8 CONFIDENTIAL POST RECORDS

Records released to the Department from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

1001.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1001.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required

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to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel and Training Unit should maintain validated standards for all positions.

1001.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1001.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)

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- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

1001.8 PROBATIONARY PERIODS

The Administration Division Commander should coordinate with the Richmond Personnel and Training Unit to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The 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 actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1002.3 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 professional staff 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.

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Evaluation of Employees

1002.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy.

1002.4 FULL TIME PROBATIONARY PERSONNEL

Professional Staff personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time professional staff personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor 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.

1002.5.1 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:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

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Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the 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. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City and Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

- (a) That the employee understands the harassment and discrimination policies.
- (b) Whether any questions the employee has have been sufficiently addressed.
- (c) That the employee knows how and where to report harassment policy violations.
- (d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1002.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

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Evaluation of Employees

1002.8 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 Personnel and Training Unit.

Special Assignments and Promotions

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Richmond Police Department.

1003.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Richmond Personnel and Training Unit.

1003.3 POLICY

The Richmond Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1003.4 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Special Response Team member
- (b) Detective
- (c) Traffic Officer
- (d) Bicycle Patrol officer
- (e) Canine Handler
- (f) Mental Health Evaluation Team Officer
- (g) Field Training Officer
- (h) Personnel and Training Officer
- (i) Crime Scene Investigator

1003.4.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by POST or law
- (d) Exceptional skills, experience, or abilities related to the special assignment

1003.4.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.

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Special Assignments and Promotions

- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to department goals and objectives in a positive manner

1003.4.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
 - 1. The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.
- (b) Division Commander interview - The Division Commander will schedule interviews with each candidate.
 - 1. Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendations to the Chief of Police.
- (c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.

1003.4.4 LENGTH OF ASSIGNMENTS

Specialty assignments will be limited to a maximum of five years. A continued assignment for the fourth and fifth years however will require a specific written endorsement from the respective bureau commander. Absent this endorsement, transfers will occur at the conclusion of three years. A member may transfer from specialty to specialty if the total time spent on both assignments does not exceed the maximum time for any single assignment (five years). Members transferred from designated specialty positions will usually be assigned to Patrol field duties for a minimum of one 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.

Request for Change of Assignment

1004.1 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.

1004.2 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.

1004.2.1 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.

1004.3 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.

Personnel Action Request Form

1005.1 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

1005.2 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) 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 Office of the Chief of Police unless denied at a lower level.
- (c) Administrative Staff shall distribute the form as follows:
 - 1. White - Employee Personnel File
 - 2. Yellow - Employee

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Personnel Action Request Form

3. Pink - Office of the Chief of Police

1005.2.1 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.

1005.2.2 LEAVE OF ABSENCE (WITHOUT PAY)

- (a) Complete the "Remarks" section, explaining the necessity of the request. If the leave extends beyond days off, distinguish days off in the "Remarks" section. (Example: 15 days: 9-23 June 2012, days off 14-15 June, and 21-22 June 2012.)

1005.2.3 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.

1005.2.4 SUMMARY COMMENDATION

- (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.)
- (b) Summary Commendations shall be reviewed by a Command Officer prior to being reviewed with the employee.

1005.2.5 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.

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Personnel Action Request Form

- (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.

1005.2.6 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.

Master Police Officer Program

1006.1 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 appoint to this non-rank status shall be exemplary in their carer performance and shall maintain a continual high degree of excellence.

1006.2 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 work days regardless of hours per shift in the past four 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. The Chief shall also determine if family sick leave will be counted as sick leave.
- (d) No sustained excessive force, unnecessary force, or racially abusive conduct complaints in the past four years. No more than one sustained complaint of any kind within the past four years.
- (e) Have successfully participated in a minimum of two specialty 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. Crime Scene Investigator
 - 2. Canine Handler
 - 3. DUI Officer
 - 4. Motor Officer
 - 5. Detective
 - 6. Personnel and Training Unit Officer
 - 7. Special Response Team
 - 8. School Resource Officer
 - 9. Regulatory Unit Officer
- (f) As a substitute for one of the above specialty assignments, the employee has previously volunteered a minimum of one hundred hours of service time with prior approval from the Training Sergeant toward such programs as:
 - 1. Richmond Police Activities League
 - 2. Explorer Post
 - 3. Crime Prevention Unit

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Master Police Officer Program

- (g) Has served as a certified Field Training Officer.
- (h) The four most recent evaluations document a performance level that meets or exceeds performance dimensions. The evaluations shall contain at least three exceeds expectations ratings in the following dimensions:
 - 1. Job Knowledge and Skill
 - 2. Productivity/Work Habits
 - 3. Initiative/Adaptability/Change Management
 - 4. Team Work/Cooperation
 - 5. Judgment/Decision Making/Problem Solving
 - 6. Conduct
 - 7. Department Values
- (i) 85% or greater at the last annual Department firearms qualification.
- (j) Physical Fitness one-time qualification upon application to the Program.
 - 1. Weight proportional to height
 - 2. One mile run in less than ten minutes
 - 3. Thirty sit-ups in less than four minutes
 - 4. Four pull-ups
 - 5. Twenty push-ups
- (k) Eligible for Master Officer consideration at the completion of:
 - 1. Eight years with possession of MA, or
 - 2. Ten years with possession of BA, or
 - 3. Twelve years with possession of AA, or
 - 4. Fourteen years of service
- (l) It shall be optional for officers to perform forty hours of off-duty assignments annually. Assignments may include but are not limited to:
 - 1. Rangemaster duties
 - 2. Defensive Tactics instructor
 - 3. CPR/First-Aid instructor
 - 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:

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Master Police Officer Program

1. In June of each year, Master Officers desiring to participate in the Program Assignment Option must meet with the Training Unit Sergeant to obtain an approved Program Assignment Plan for the upcoming 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-hour requirement.
 3. The Training Unit Sergeant shall indicate approval of the Plan and forward it to the Administration Division Commander. Upon approval, payroll shall be notified of eligibility for benefit compensation to the Master Officer on a monthly basis beginning in August of each year.
 4. In June of each year, Master Officers participating in an Assignment Plan shall forward a memorandum to the Training Unit Sergeant documenting times, dates, and activities 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 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.
- (o) Benefits
1. Five hours of straight-time compensation per month during the time 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 nameplate. These items shall be purchased by the Department.
- (p) Procedure and Control:
1. Application for Master Officer status shall be completed on a Personnel Action Request Form. The officer shall outline compliance with the qualification requirements herein.
 2. Applications shall be submitted during the month of October annually and by no means later than the last day of the 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 October 1st.
 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 a Master Police Officer. The

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Master Police Officer Program

Chief of Police shall have the discretion to deny or revoke the status of Master Police Officer at any time.

Nepotism and Conflicting Relationships

1007.1 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.

1007.2 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.

1007.3 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses, or other individuals during the course of or as a direct result of any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1007.4 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1007.5 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

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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 Arrests, Convictions, and Court Orders

1008.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Richmond Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1008.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. 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 and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms 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.

1008.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

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, and shall be reported as provided in this policy.

1008.4 REPORTING

All members and all retired officers with an identification card issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether or not the matter

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was dropped or rejected, is currently pending or is 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 supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is 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 the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1008.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1008.5.1 NOTIFICATION REQUIREMENTS

The Office of Professional Accountability Manager shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this

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department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administration Division Commander shall submit within 10 days notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and Records Manager employed by this department (11 CCR 1003).

1008.6 POLICY

The Richmond Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

Drug and Alcohol-Free Workplace

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1009.2 POLICY

It is the policy of this department to provide a drug and alcohol-free workplace for all members.

1009.2.1 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.

1009.2.2 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication with side effects that 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.

1009.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or a combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1009.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

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No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1009.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1009.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1009.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel and Training Unit, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1009.5.1 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.

1009.5.2 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.

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- (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.

1009.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug, or medication that could interfere with safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1009.7 SCREENING TESTS

A supervisor may require an employee to submit to screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1009.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1009.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the

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controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1009.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or require the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1009.9 CONFIDENTIALITY

The Department recognizes confidentiality and privacy due to its members. Therefore, disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or according to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records. Therefore, they shall be maintained in the member's confidential medical file in accordance with the Personnel Records policy.

Sick Leave

1010.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Government Code § 12945.8; Labor Code § 1510).

1010.2 POLICY

It is the policy of the Richmond Police Department to provide eligible employees with a sick leave benefit.

1010.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered a vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1010.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall whenever possible and practicable, provide the Department with no less than 30 days notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1010.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave is used in a 12-month period.

1010.5 DEFINITIONS

Illness - shall be defined generally as health conditions that are **not** a result of an on-duty injury or exposure but which restrict 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 restrict 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 and 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 on sick leave if time off is necessary.

1010.6 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.

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- (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.
 - 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 Risk Management Coordinator 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 contain detail as to who, what, where, how, and why. If an employee is calling off due to a 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 its 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 Risk Management Coordinator 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 a contagious disease that involved medical treatment.

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- (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 Risk Management Coordinator.
 - (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 Risk Management Coordinator 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 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 Risk Management Coordinator.
 - (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.

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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.
4. The Supervisor shall then forward the original white copy and the yellow copy to the Department's Risk Management Coordinator along with other required forms. If the employee does not return the completed form, the Supervisor shall forward the Departmental green copy to the Risk Management Coordinator within one (1) working day.
5. Upon receipt of the form, the Risk Management Coordinator 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 Risk Management Coordinator 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 Department's Risk Management Coordinator.

(g) **Employee Responsibilities Regarding Doctor's Appointments and Documentation Thereof:**

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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.), and 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 to the Risk Management Coordinator or via facsimile to the Executive Secretary to the Chief of Police (Fax 510-620-6880).

1010.7 MEDICAL TREATMENT AND IMMEDIATE NOTIFICATIONS

Medical Attention and Notifications During Working Hours:

(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 the 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 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 an event must be reported to Cal-OSHA within eight (8) hours of the incident.

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- (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 is 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 the site of accident;
 - 6. Name and address of injured employee(s);
 - 7. Nature of injury;
 - 8. The location where the injured employee(s) was moved to;
 - 9. List and identity of other law enforcement agencies present at the site of the 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 while 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 the 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:

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- (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 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.
- (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.

1010.8 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.

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2. Except in cases of emergency, cancel and reschedule a medical appointment twenty-four (24) hours in advance if there are substantial reasons for doing 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 Department Risk Management Coordinator. Command and Superior Officers shall direct inquiries regarding the medical condition of transferred personnel to the Risk Management Coordinator.

1010.9 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 a 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 the 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;

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- (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.

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- (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, therefore, the Supervisor or Commander would have to require all clearances before permitting the employee to begin work.

1010.10 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, or per established procedures in any collective bargaining agreement, Memorandum of Understanding, and/or personnel rules, or per other arrangements made with the Departments' 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.

1010.11 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.

1010.12 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 for 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

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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.

1010.13 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 on 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.

1010.14 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Personnel and Training Unit as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 1. Negatively affected the member's performance or ability to complete assigned duties.
 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1010.15 REQUIRED NOTICES

The Director of Human Resources shall ensure:

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- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

Communicable Diseases

1011.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include but are not limited to, hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, mouth, mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Richmond Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1011.2 POLICY

The Richmond Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1011.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 - 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 - 2. Bloodborne pathogen mandates including (8 CCR 5193):

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- (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
- 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
- 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
- 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
- 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1011.4 EXPOSURE PREVENTION AND MITIGATION

1011.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with a communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

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- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlights, control devices, clothing, and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - (a) Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1011.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1011.5 POST EXPOSURE

1011.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1011.5.2 REPORTING REQUIREMENTS

The supervisor on duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during the exposure

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- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting policy).

1011.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1011.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1011.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (c) Testing the exposed member for evidence of communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status

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of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of exposure to undergo testing if he/she refuses.

1011.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of exposure are to be kept confidential as well.

1011.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid exposure, and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1012.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Richmond Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1012.2 POLICY

The Richmond Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1012.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Richmond Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1012.4 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.).

1012.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

Personnel Complaints

1013.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Richmond Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1013.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct, excess use of force, 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 that, 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 a 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.

1013.1.2 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.

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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 an inquiry into the individual actions of the Officer, and not any 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.

1013.2 POLICY

The Richmond Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, municipal and county rules, and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1013.2.1 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.

1013.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

1013.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

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Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member 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 a diligent follow-up investigation. At the discretion of the assigned supervisor or the Office of Professional Accountability, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1013.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1013.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1013.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1013.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

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A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

1013.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1013.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1013.5 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.

1013.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1013.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

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The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. 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 member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Personnel and Training Unit and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain the names, addresses, and telephone numbers of witnesses.
 - 2. When appropriate, ensure immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

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1013.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Office of Professional Accountability, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Richmond Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank, and command of the officer in charge of the investigation, the interviewing officers, and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - (a) A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - (b) No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1013.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date, and the source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member 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 (e.g., recordings, photos, documents) should be attached to the report.

1013.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

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 member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal

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pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1013.6.5 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 (Government Code § 3304).

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.

1013.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1013.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon reasonable suspicion of misconduct.

Such areas may also be searched at any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant, or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1013.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with potential for bribes or other improper inducements

1013.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

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- (a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.

1013.9 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 complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained for at least two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints that are unfounded, exonerated, or not sustained shall be maintained by the Office of Professional Accountability apart from the employee's personnel files.

1013.10 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator 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 practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

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The Richmond Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1013.11 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1013.11.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member'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.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1013.11.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. 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, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action, and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

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2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1013.11.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1013.11.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1013.12 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to the imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause a further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1013.13 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of resignation or retirement by itself

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shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1013.14 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding, and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1013.15 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1013.16 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records policy.

1013.17 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.

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1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 2. Findings of civilian review boards.
 3. Final dispositions of any investigations.
 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Richmond Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

1013.17.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 1. A narrative of the allegations
 2. Date and time of incidents
 3. Location of occurrence
 4. Any witness information, if available
 5. Summary of arrest or indictment of involved officer
- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

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Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

1013.17.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 - 1. The Department shall provide the name of the body conducting the proceeding.
 - 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
 - 1. The name of the court having jurisdiction over the criminal charges against the officer.
 - 2. The status of the criminal case, if known.

Grievance Procedure

1014.1 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 free verbal communication between employees and supervisors.

1014.1.1 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 the Discriminatory Harassment policy, 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 the Standards of Conduct policy.

1014.2 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:

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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:
 - The basis for the grievance (i.e., what are the facts of the case?).
 - Allegation of the specific wrongful act and the harm done.
 - The specific policies, rules, or regulations that were violated.
 - 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.

1014.3 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.

1014.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administration Division Commander for inclusion in a secure file for all written grievances.

1014.5 GRIEVANCE AUDITS

The Training Sergeant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Sergeant shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Sergeant should promptly notify the Chief of Police.

Anti-Retaliation

1015.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or memorandum of understanding.

1015.2 POLICY

The Richmond Police Department has zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1015.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1015.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1015.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1015.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command, and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.

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- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation to mitigate the potential for further violations of this policy.

1015.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1015.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Accountability for investigation pursuant to the Personnel Complaints policy.

1015.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

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1015.8 RECORDS RETENTION AND RELEASE

The Office of Professional Accountability shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1015.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Personnel Records

1016.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1016.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1016.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1016.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1016.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1016.6 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 Office of Professional Accountability supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1016.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including the past, present, or future anticipated mental, psychological, or physical limitations.

1016.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release policy, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1016.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

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The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require the assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1016.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (see also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

The Department may, without a request, disclose to the public the cause of termination for a disclosable incident involving a former officer, as permitted by law (Penal Code § 832.7(b)(13)).

1016.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1016.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1016.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Office of Professional Accountability supervisor in determining what records may qualify for disclosure.

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when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting the implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 - 1. The discharge of a firearm at another person by an officer.
 - 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
 - 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 - 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
 - 1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 - 2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

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3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1016.9.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

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1016.9.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
 - 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
 - 2. After the initial 60 days, delay of the disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges
 - 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
 - 1. Disclosure may be delayed until:
 - (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1016.9.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 - 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
 - (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due

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to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

1016.10 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

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1016.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required 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 required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Seat Belts

1017.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1017.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1017.2 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.

1017.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1017.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1017.5 POLICY

It is the policy of the Richmond Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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1017.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1017.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1017.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer's specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1018.2 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.

1018.3 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.

1018.3.1 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.

1018.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

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1018.3.3 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.

1018.4 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.

Officer of the Year Award

1019.1 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'.

1019.1.1 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-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 the bottom point of the star shall be one-half inch above the nameplate.
- (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.

Commendations and Awards

1020.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Richmond Police Department and individuals from the community.

1020.2 POLICY

It is the policy of the Richmond Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1020.2.1 SUMMARY COMMENDATIONS

Complimentary remarks amounting to less than a Letter of Commendation from the Chief of Police shall be noted by the 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.

1020.2.2 CHIEF'S LETTER OF COMMENDATION

Complimentary remarks that warrant a Letter of Commendation from the Chief of Police shall be noted by the 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.

1020.2.3 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.

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1020.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1020.4 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.

1020.4.1 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.

1020.4.2 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 a loop and a blue drape.

1020.4.3 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.

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- (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 a 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 stars.

1020.4.4 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 a 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 stars.

1020.4.5 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 Life Saving Medal per incident regardless of the number of victims saved.

Description: The Life Saving Medal will be a silver disc with a 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 stars.

1020.4.6 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 a 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 stars.

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1020.4.7 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 a 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 stars.

1020.4.8 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 stars.

1020.4.9 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. The difficulty of the problem, innovation and creativity, and commitment to the Department's community policing philosophy shall be a 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 a 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 stars.

1020.4.10 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

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(e) The circumstances above also require the following:

1. Serious traumatic injury
2. The 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.

1020.4.11 ADDITIONAL RECOGNITION

1020.4.12 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 work days, regardless of hours per shift in the past thirty-six months from the 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 years; not more than one substantiated complaint of any other kind within the last two years.
- (e) Have served as a Patrol Supervisor and in a minimum of two specialty assignments. The minimum time of one 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 Expectations" ratings in the following performance dimensions: Leadership, Employee Development, Planning and Organizational Skills, Professional Work Environment, Job Knowledge and Skill, Judgment/Decision Making/Problem Solving, and Team Work/Cooperation. After achieving Senior Sergeant status, the Senior Sergeant shall maintain a performance level that meets or exceeds the aforementioned standards.

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- (g) Physical Fitness - one-time qualification upon application to the program
 - 1. Weight proportionate per Departmental Manual
 - 2. One mile in less than twelve minutes or cardiovascular equivalent
 - 3. Twenty-five sit-ups in three minutes
 - 4. Ten pushups
- (h) Eligible for Senior Sergeant consideration at the completion of:
 - 1. Eight years as a Sergeant with possession of BA, or
 - 2. Ten years as Sergeant with possession of AA, sixty units or equivalent

Application for the Senior Sergeant status will be completed in memorandum form. The Sergeant shall outline compliance with the eight 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.

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.

1020.4.13 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 year of no sick leave - basic certificate in black ink
- Two years of no sick leave - basic certificate with bronze-embossed seal
- Three years of no sick leave - basic certificate with silver-embossed seal
- Four years of no sick leave - basic certificate with gold-embossed seal
- Five years of no sick leave - basic certificate with gold-embossed seal and blue ribbon
- Six years of no sick leave - eligible for Meritorious Service Medal and two added holidays

Subsequent four-year blocks of no sick leave will add one silver star to the uniform ribbon and awarding of 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.

1020.4.14 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

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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 in October of each year. Each year the criteria shall be as follows:
 1. Weight proportionate to height
 2. Complete one mile in twelve minutes
 3. Complete twenty-five sit-ups in three minutes
 4. Complete ten pushups
- (b) The award will escalate for successive years of fitness;
 1. One year - basic physical fitness certificate
 2. Two years - addition of bronze-embossed seal
 3. Three years - addition of silver-embossed seal
 4. Four years - addition of gold-embossed seal
 5. Five years - addition of red/white/blue ribbon to gold-embossed seal
 6. Six years - physical fitness plaque award
 7. Seven years - a plaque with a bronze seal
 8. Eight years - a plaque with a silver seal
 9. Nine years - a plaque with a gold seal
 10. Ten years - eligible for Meritorious Service Medal

Each additional five-year consecutive qualification shall make an employee eligible for an additional silver star for the uniform ribbon.

1020.4.15 LEADERSHIP AWARD

It is the policy of the Richmond Police Department to recognize and develop the leadership skills of its employees. Leadership skills include:

- Competence
- Character
- Sensitivity
- Vision
- Developer
- Ethics
- Motivating

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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.

1020.4.16 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 year of safe performance.

An employee will receive the basic Safety Award after two years of safe work habits. The next level of award will be at least five years and each increment of five years up to thirty 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 years of safe service - safety pin
- Five years of safe service - one ruby on pin
- Ten years of safe service - two rubies on pin
- Fifteen years of safe service - three rubies on pin
- Twenty years of safe service - two rubies, one diamond
- Twenty-five years of safe service - one ruby, two 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

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employee is responsible for obtaining the award for the employee and coordinating the presentation by the Chief of Police.

1020.4.17 PROFESSIONAL STAFF 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 Professional Staff 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 Professional Staff Employee of the Year shall consist of a plaque.

Each month a Professional Staff Employee 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 Professional Staff Employee of the Year.

1020.4.18 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) Field Training Officers (F.T.O.)
- (e) Motor 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 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 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.

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1020.5 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1020.5.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 - 1. For members of the Department - name, bureau, and assignment at the date and time of the meritorious or commendable act
 - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

1020.5.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 - 1. For members of the Department - name, bureau, and assignment at the date and time of the meritorious or commendable act
 - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1020.5.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

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Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1020.6 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation, and display of any award are determined by the Chief of Police.

Vehicle Theft Award Program

1021.1 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.

1021.2 QUALIFICATIONS

1021.2.1 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.

1021.2.2 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.

1021.2.3 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.

1021.2.4 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.

1021.2.5 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.

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1021.2.6 LIFETIME ACHIEVEMENT 10851 AWARD DESCRIPTION

The Lifetime Achievement 10851 Award consists of a metal pin with a ribbon containing a center stone.

1021.3 NOMINATION PROCEDURE

1021.3.1 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 Division Commander requesting the award. The memorandum shall include the name, date, and case number of each arrest/recovery.

1021.3.2 CRIMINAL INVESTIGATIONS SECTION COMMANDER

1. The Criminal Investigations Division 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 Division 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.

Fitness for Duty

1022.1 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).

1022.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1022.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1022.4 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 (FTO) in order to obtain medical treatment or other reasonable rest period.

1022.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1022.6 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 Personnel and Training Unit to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the

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examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1022.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1022.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints policy.

Meal Periods and Breaks

1023.1 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.

1023.1.1 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.

1023.1.2 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 Records

1024.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1024.1.1 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.

1024.2 POLICY

The Richmond Police Department maintains timely and accurate payroll records.

1024.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1024.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1024.5 RECORDS

The Administration Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation Requests

1025.1 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.

1025.1.1 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 the 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 submit an overtime entry for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime pay, however, the employee may not exceed 120 hours of compensatory time.

1025.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests via InTime as soon as practicable for verification and forwarding to the Administration Division.

1025.2.1 EMPLOYEES RESPONSIBILITY

Employees should complete overtime requests in InTime as soon as practicable after working overtime. Employees submitting overtime for on-call pay when off duty should submit the overtime request upon their first day returning to work.

1025.2.2 DIVISION COMMANDERS RESPONSIBILITY

Lieutenants shall confirm that overtime was worked prior to approving overtime requests in InTime.

1025.3 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., four hours for Court, three hours for Training, etc.).

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1025.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1025.3.2 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 supervisors may require each employee to include the reason for the variation in the notes section of the overtime payment request.

Outside Employment

1026.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for department 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.

1026.1.1 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.

1026.2 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)).

1026.2.1 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.

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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).

1026.2.2 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

1026.3 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 department 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.

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1026.3.1 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 department 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.

1026.3.2 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.

1026.3.3 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.

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1026.4 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.

1026.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1026.5 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.

1026.6 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:

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- (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.

Occupational Disease and Work-Related Injury Reporting

1027.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, psychiatric injuries, and work-related injuries.

1027.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or psychiatric injury arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1027.2 POLICY

The Richmond Police Department will address occupational diseases and work-related injuries appropriately and will comply with applicable state worker's compensation requirements (Labor Code §3200 et seq.). The Richmond Police Department will also work directly with the City Human Resources Department, and follow the City of Richmond Administrative Procedure AP-400 to address industrial injuries or illnesses.

[AP 400 - Industrial Injuries](#)

1027.3 RESPONSIBILITIES

1027.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1027.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related City disease or injury reporting protocol shall also be followed.

1027.3.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall designate a Department Risk Management Coordinator to review and forward injury reports to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1027.3.4 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The

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Occupational Disease and Work-Related Injury Reporting

report shall then be forwarded to the Department Risk Management Coordinator to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and prevention plan identified in the Illness and Injury Prevention policy.

1027.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on duty that does not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Department Risk Management Coordinator.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1027.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, an insurance company, or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1027.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than ten days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury and to protect the City's right of subrogation while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1028.1 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.

1028.2 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 an 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 or designee shall determine authorized hairstyles for on-duty personnel.

1028.2.1 HAIR

The 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 Professional Staff), 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 Professional Staff 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.

1028.2.2 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.

1028.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1028.2.4 FACIAL HAIR

Facial hair must have a natural color, be kept tidy, and be 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.

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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 Department.

The wearing of facial hair shall remain at the discretion of the Chief of Police.

1028.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1028.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1028.3 TATTOOS

While on duty or representing the Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1028.4 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:

- (a) Tongue splitting or piercing.

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- (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.

1028.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniform Regulations

1029.1 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 policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Richmond Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1029.2 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) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment (Penal Code § 13655).
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

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- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
 - 1. Wristwatch
 - 2. Wedding ring, class ring, or other rings of tasteful design. A maximum of one ring/set may be worn on each hand
 - 3. Medical alert bracelet

1029.2.1 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.

1029.3 UNIFORM CLASSES

1029.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie
- (b) Polished shoes

Boots with pointed toes are not permitted.

1029.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required
- (b) A white, navy blue or black crew neck t-shirt must be worn with the uniform
- (c) All shirt buttons must remain buttoned except for the last button at the neck
- (d) Shoes for the Class B uniform may be as described in the Class A uniform

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- (e) Approved all black unpolished shoes may be worn
- (f) Boots with pointed toes are not permitted

1029.3.3 NON-UNIFORM ATTIRE

- (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.

1029.3.4 UTILITY UNIFORM

- (a) The 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 hook-and-loop flaps, secured by hidden Velcro strips, inside pocket for pen and penlight in the left pocket; heavy duty concealed brass Nomex zipper with overlap; 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 that 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.

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- (c) The utility uniform shall have all markings required on the uniform duty shirt such as patches, secured badge holder, cloth nameplate, 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 a 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).

1029.3.5 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 -
 - 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

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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.

1029.3.6 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 manufacturer'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 the bottom of the 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 drawcord; 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 walkability, black, and of durable construction.

1029.3.7 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 jackets 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)

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1. BDU long-sleeve shirts are to be military "rip-stop" specifications and manufactured by Proper 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 Proper 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
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.

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(h) Outer Jackets

1. Jackets will be identical and approved by the SWAT Commander.

1029.3.8 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 the 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 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 the opposite side from duty handgun)
 - Handcuff pouch
 - Flashlight pouch
 - Expandable baton pouch
 - Chemical agent pouch
 - Radio pouch
 - Handgun magazine pouch
 - Small utility pouch

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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.

- (a) **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.
- (b) **Pants**– The Flying Cross "Cross FX" Class B style duty pants 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, including two front pockets, two back pockets, two lower utility pockets, and two '4-in-1' cargo pockets.

1029.4 INSIGNIA AND PATCHES

- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.
- (b) **Service stripes, stars, etc.** - Service stripes and other indicators for length of service may be worn on long-sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) **The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.** The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with an equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) **When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.**
- (e) **Assignment Insignias** - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (f) **Flag Pin** - A flag pin may be worn, centered above the nameplate.
- (g) **Badge** - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- (h) **Rank Insignia** - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

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1029.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1029.5 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 is 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 that 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. Swimsuits, tube tops, or halter-tops
 - 4. Spandex-type pants or see-through clothing
 - 5. Distasteful printed slogans, buttons, or pins
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Richmond Police Department or the morale of the employees.

1029.6 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,

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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.

1029.7 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 (see the Department Owned and Personal Property Policy).

1029.7.1 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).

1029.8 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.

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Richmond Police Department employees may not use or carry any safety item, tool, or another piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Department Badges

1030.1 PURPOSE AND SCOPE

The Richmond Police Department badge and uniform patch as well as the likeness of these items and the name of the Richmond Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1030.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

Temporary Modified-Duty Assignments

1031.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding, or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1031.2 POLICY

Subject to operational considerations, the Richmond Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1031.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Richmond Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1031.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Personnel and Training Unit or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Division Commander, with notice to the Chief of Police.

1031.4.1 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.

1031.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability.

- (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 the 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

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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 ensure the employee has all the necessary training and certifications prior to returning to full duty.

1031.4.3 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.

1031.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1031.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1031.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

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- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1031.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1031.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Government Code § 12945).

1031.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1031.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1031.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Employee Speech, Expression and Social Networking

1032.1 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 the 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.

1032.1.1 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.

1032.2 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.

1032.3 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

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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.

1032.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Richmond Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to 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. Examples may include:
 1. Statements that indicate a disregard for the law or the state or U.S. Constitution.
 2. An expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorifies or endorses 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

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for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

- (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 the 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).

1032.4.1 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

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1032.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use policy for additional guidance).

The Department shall not require an employee to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1032.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1032.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Lactation Breaks

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members (Labor Code § 1034).

1033.2 POLICY

It is the policy of the Richmond Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030).

1033.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1033.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

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Lactation Breaks

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1033.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

1033.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Wellness Program

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains policy.
- Line-of-Duty Deaths policy.
- Drug and Alcohol-Free Workplace policy.

1034.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1034.2 POLICY

It is the policy of the Richmond Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1034.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Personnel and Training Unit, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

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2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
 1. Peer support member selection and retention.
 2. Training and applicable certification requirements.
 3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
 1. The coordinator should work with appropriate department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling

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services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1034.4 DEPARTMENT PEER SUPPORT

1034.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1034.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 - 1. Stress management.
 - 2. Suicide prevention.
 - 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 - 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1034.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1034.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or valid court order.

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Attendance at the debriefing should only include peer support members and those directly involved in the incident.

1034.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program).

1034.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1034.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

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1034.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Sergeant as appropriate for inclusion in training records.

1034.10 RESTORATIVE AND DECOMPRESSION PROGRAM

The ability for employees to restore and decompress while on-duty supports the Richmond Police Department's approach to promoting the overall mental, physical, and emotional health of our members.

The program provides a dedicated space (restorative and decompression room) where employees can remove their duty equipment, silence outside stimuli, and participate in a restorative session in a safe environment. All Richmond Police Department employees are authorized to utilize the program under the following guidelines:

- (a) The room may be used for up to 30 minutes per shift and can only be used in lieu of or combined with a physical fitness session.
- (b) The room may be used for restorative sleep, decompression after a significant call for service, traumatic event, or critical incident.
- (c) Only one employee is permitted in the room at a time.
- (d) Employees can turn off their police radio but must set their phone ringer loud enough to wake them in case of an emergency.
- (e) Employees must set an alarm to ensure they end their session within the permitted time period.
- (f) Duty belts must be removed to avoid damage to the zero-gravity chair.
- (g) Only water is permitted in the room. No food or other beverages are allowed.

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(h) The zero-gravity chair must be wiped down before and after use.

(i) Employees shall notify dispatch of their status change at the beginning and end of their use of the room. MARK43 will reflect the employee's status during the session.

(j) Employees must end their session in the event of an emergency or priority call for service as notified by dispatch or at the direction of a supervisor.

Supervisor Responsibility

Supervisors will ensure the room is utilized in accordance with this policy and will periodically check the room to ensure it is being properly maintained.

Educational Incentive

1035.1 PURPOSE AND SCOPE

The Educational Incentive grade exists in the Police Department to provide advanced opportunities for officers who endeavor to improve their individual proficiency by participating in an approved program of study.

1035.2 POLICY

- (a) Educational Incentive shall be used to express the status of an officer regardless of rank who is receiving an 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 employee's 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 consecutive years will continue to receive the Incentive pay without the requirement for further annual requalification.

1035.3 ELIGIBILITY

- (a) An officer who has completed three years of service and is eligible for the Educational Incentive supplemental pay rate providing he/she completes the required 48 hours of approved training.
- (b) An officer may become eligible for Educational Incentive pay to commence the first day of the month following his/her anniversary date if he/she completes the required 48 hours of approved training during the preceding twelve 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 48 hours of training during the preceding twelve months.

1035.4 COURSE APPROVAL

- (a) Approval of each course of study must be obtained in advance from the Training Unit Sergeant who shall determine whether the activity meets the standards of acceptance.
- (b) Three semester units or four or more quarter units of approved college or university work shall be equivalent to forty-eight hours of classroom study.
- (c) Units of approved study must be completed with a passing grade of 'C' and employees are required to provide a copy of their final grade to the Training Sergeant.
- (d) When a course of study is commenced in one year and completed the following year, the Administration Division Commander shall determine the year to which credit may apply.

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Educational Incentive

1035.5 COMPLETION OF APPROVED COURSE

Upon successful completion of an approved Educational Incentive Program, it shall be the officer's responsibility to provide proper documentation to the Training Unit Sergeant who will forward the documentation to the Chief's Office.

1035.6 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.

Line-of-Duty Deaths

1036.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Richmond Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1036.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a professional staff member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1036.2 POLICY

It is the policy of the Richmond Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1036.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and Communications Center.
 - (a) Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Watch Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1036.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be a Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Richmond Police Department members may be apprised that survivor notifications are complete.

1036.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1036.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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1036.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid Coordinator.
- (g) Benefits Liaison.
- (h) Finance Coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units if needed.

1036.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them with contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1036.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Department members and friends of the deceased member.
 - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Richmond Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before the information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantors of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residences.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1036.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selection for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 - 1. Items should not be delivered to the survivors until they are ready to receive the items.
 - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to line-of-duty death, such as criminal, internal, and administrative investigations.

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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1036.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - (a) Members involved in the incident.
 - (b) Members who witnessed the incident.
 - (c) Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive wellness support.
- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.

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- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1036.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notifications to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler
 - 3. Uniform for burial
 - 4. Flag presentation
 - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1036.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Richmond Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform the coordinator's duties in accordance with the Outside Agency Assistance policy.

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1036.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting policy).
- (b) Researching and assisting survivors with applications for federal government survivor benefits, such as those offered through the:
 - (a) Public Safety Officers' Benefits (PSOB) Programs.
 - (b) Public Safety Officers' Educational Assistance (PSOEA) Program.
 - (c) Social Security Administration.
 - (d) Department of Veterans Affairs.
- (c) Researching and assisting survivors with applications for state and local government survivor benefits, such as:
 - 1. Education benefits (Education Code § 68120).
 - 2. Health benefits (Labor Code § 4856).
 - 3. Worker's compensation death benefit (Labor Code § 4702).
- (d) Researching and assisting survivors with the application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, work with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefits application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1036.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

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- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - (a) Paying survivors' travel costs if authorized.
 - (b) Transportation costs for the deceased.
 - (c) Funeral and memorial costs.
 - (d) Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1036.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased members' survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

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1036.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1036.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1036.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1036.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Illness and Injury Prevention

1037.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Richmond Police Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede but supplements any related Citywide safety efforts.

1037.2 POLICY

The Richmond Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training, and safeguards designed to reduce the potential for accidents, illness, and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1037.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Division Commander is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 - 1. Meet regularly.
 - 2. Prepare a written record of safety and health committee meetings.
 - 3. Review the results of periodic scheduled inspections.
 - 4. Review investigations of accidents and exposures.
 - 5. Make suggestions to command staff for the prevention of future incidents.
 - 6. Review investigations of alleged hazardous conditions.
 - 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 - 8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

1037.4 ADMINISTRATION DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Administration Division Commander include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the illness and injury prevention plan.
 - 3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR 5144)
 - (b) Bloodborne pathogens (8 CCR 5193)
 - (c) Aerosol transmissible diseases (8 CCR 5199)
 - (d) Heat illness (8 CCR 3395; 8 CCR 3396)
 - (e) Emergency Action Plan (8 CCR 3220)
 - (f) Fire Prevention Plan (8 CCR 3221)
 - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

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- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1037.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Division Commander.
- (e) Notifying the Administration Division Commander when:
 - 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational illnesses and injuries occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

1037.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administration Division Commander via the chain of command.

The Administration Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1037.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administration Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1037.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1037.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1037.9 TRAINING

The Administration Division Commander should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1037.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1037.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Performance Improvement Plans

1038.1 PURPOSE AND SCOPE

The Performance Improvement Plan (PIP) is intended to be a positive approach designed to assist employees who have demonstrated substandard performance or behavior and who may benefit from intervention before it results in discipline or other negative consequences. The PIP is not intended as discipline. Rather, it is intended to aid employees by implementing a structured, written improvement plan focused on achieving desirable performance or behavior outcomes.

In addition, the PIP serves as an integral tool of the performance appraisal process in that it provides timely, constructive feedback while creating opportunities for employees to receive supervisory guidance and assistance to correct deficient work. This proactive strategy reflects the Richmond Police Department's commitment to maintaining employee performance and behavior to the standards reflected in the Department's performance evaluation dimensions and policies.

1038.1.1 DEFINITION

The Performance Improvement Plan (PIP) is a written and structured intervention plan designed to assist employees to achieve acceptable performance and/or behavior outcomes when they have demonstrated a pattern of substandard performance or behavior.

1038.2 PROCEDURE

The components of the Performance Improvement Plan include Identification of Need, Plan Development, and Plan Administration.

1038.2.1 IDENTIFICATION AND SELECTION

The purpose of identification and selection is to first recognize a pattern of performance and/or behavior that fails to meet measurable performance expectations or policy standards. Supervisors and managers are charged with continuously evaluating subordinate work and identifying those employees who may benefit from a performance or behavior intervention. Supervisors and managers are expected to analyze the substance of substandard performance and/or behavior to determine the most appropriate course of corrective action. The PIP is not intended to replace disciplinary intervention when supervisors and managers determine discipline to be the most appropriate course of action.

In most cases, when there is a minor policy violation or performance deficiency, supervisors and managers may institute progressive intervention. Progressive intervention may include but is not limited to verbal counseling, training, monitoring, or other strategies. Intervention efforts should be documented in a memorandum. The supervisor(s) and manager of the affected employee may consider selection for a Performance Improvement Plan once progressive intervention efforts fail to produce desired results. Should the supervisor or manager identify employee performance or behavior for which a PIP is warranted, the manager shall first seek the approval of the affected employee's Bureau Commander. Upon approval of the Bureau Commander, the manager and/

Richmond Police Department

Richmond PD CA Policy Manual

Performance Improvement Plans

or supervisor(s) shall, as soon as possible, notify the affected employee of their intention to implement a PIP.

1038.2.2 PLAN DEVELOPMENT

The affected employee's supervisor(s) and manager will be responsible for authoring the content of the PIP unless otherwise directed by the employee's Bureau Commander. The PIP document will consist of six distinct categories in memorandum format as follows:

- (a) **Summary:** Provide a brief description of the pattern of performance or behavior demonstrated by the affected employee and how it fails to meet published performance expectations or policy standards.
- (b) **Specific Circumstances:** Detail the circumstances and specific examples of the affected employee's performance or behavior that established a pattern of concern warranting supervisory intervention. Additionally, previous intervention efforts should be referenced in support of the cause to select the affected employee for PIP participation.
- (c) **Substandard Performance and/or Policy Violations:** Identify the specific performance dimension(s) or policy standards and how the affected employee failed to meet them.
- (d) **Impact of Employee's Performance and/or Behavior:** This section of the PIP should help the affected employee understand the impact and associated consequences of their substandard performance or behavior.
- (e) **Strategies to Achieve Desirable Performance and/or Behavior Outcomes:** Listed in this section are collaborative objectives, crafted by the PIP's author(s) and the affected employee working together to map a successful outcome. Objectives should be SMART:
 - 1. Specific: Write expectations that are clear and concise to help ensure the employee understands them.
 - 2. Measurable: Install benchmarks so that progress or lack thereof is readily discernible.
 - 3. Attainable: Make reasonable efforts to ensure the employee has ample opportunity and resources to meet the expectations of the objective.
 - 4. Relevant: Draw a clear nexus between the expectation and named performance dimension(s) or policy standard(s).
 - 5. Time-based: Develop a reasonable timeline to help define expectations and motivate positive progress.
- (f) **Performance Improvement Plan Terms:** This section of the PIP defines the duration of the plan, identifies the PIP administrator(s), prescribes supervisor feedback intervals, and includes other necessary terms applicable to the performance or behavior needing improvement. The following guidelines should apply to the PIP terms:

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Performance Improvement Plans

1. Duration: The duration of a PIP should be no longer than three months unless the affected employee's Bureau Commander determines an extension is likely to benefit both the affected employee and the department. An extension shall not exceed three additional months. The PIP may be tolled to compensate for the affected employee's leave of absence or inability to perform regular duty and may resume upon their return to full duty.
2. Feedback intervals: The PIP administrator is expected to provide timely feedback and ongoing guidance to the affected employee. The administrator should make reasonable efforts to meet with the employee no less than bi-weekly unless circumstances require a change of administrator or other unanticipated need(s).
3. Other necessary terms: Other necessary terms may include, but are not limited to the following:
 - (a) The employee may be required to attend training prescribed by the PIP administrator.
 - (b) The PIP administrator may limit or restrict the affected employee from participating in collateral assignments outside the scope of their primary assignment if these assignments appear to impede the employee's progress or success.
 - (c) Employees who are participating in a PIP will not be placed into a specialty assignment. If an employee identified for a PIP already occupies a specialty assignment, the Chief of Police may upon a thirty-day notice transfer the employee to a different bureau if the best interests of the department would be served by the employee's PIP being administered in a different assignment or work environment.

1038.2.3 PLAN ADMINISTRATION

The Performance Improvement Plan will be administered in the following manner:

- (a) Supervisor responsibilities:
 1. Once an employee is selected for a PIP intervention, the employee's supervisor and/or manager should meet with the affected employee to receive input on the content of the PIP.
 2. The supervisor/manager should prepare a draft PIP and forward it through the chain of command to the affected employee's Bureau Commander for approval.
 3. The affected employee's supervisor should summarize the PIP intervention in the employee's performance evaluation within the same rating period as the PIP intervention.
- (b) PIP Administrator responsibilities:
 1. The supervisor charged with administering the PIP will be known as the PIP administrator. The PIP administrator may be different than the affected employee's supervisor based on, but not limited to, the terms of the PIP,

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Performance Improvement Plans

needs of the employee or the department, unanticipated absence, or change of assignment.

2. The PIP administrator should present the final version of the PIP to the affected employee to explain its content, expectations, and terms.
3. The PIP administrator is expected to execute the terms of the PIP.
4. The PIP administrator will document counseling sessions, feedback, employee progress or lack thereof, final review, or any other relevant information on a memorandum and attach it to the PIP.

(c) Bureau Commander responsibilities:

1. Review the draft PIP, make changes or recommendations as necessary, and provide final approval to execute the PIP.
2. Review written rebuttals properly delivered in the manner described below and direct changes or recommendations to the PIP as deemed necessary.
3. Ensure feedback memoranda, final review, written rebuttals, or other relevant documents are attached to the PIP.
4. Forward the PIP and related attachments to the Chief's Office where they can be maintained in the affected employee's personnel file until eligibility to be expunged as described below.

(d) Employee responsibilities:

1. The affected employee will meet with their supervisor as directed and provide input into the development of the PIP in a reasonable and constructive manner.
2. The employee will review and acknowledge having understood the final version of the PIP by signing and dating in the designated area of the PIP.
3. The employee maintains the opportunity to prepare a written rebuttal to the PIP and forward it through their chain of command within 30 days of receiving the PIP.
4. Employees will honor the terms of a PIP to the best of their ability.

1038.3 RECORDS RETENTION

Once the PIP is completed, it will be retained in the affected employee's department file for up to two years (pursuant to the Department's Personnel Records policy, Government Code § 34090, and the City's Records Retention Schedule, if the following qualifications apply:

- (a) The affected employee has successfully satisfied the terms of the PIP and has not repeated a pattern of similar substandard behavior and/or performance.
- (b) The affected employee continues to meet performance standards established by published department policy and/or performance evaluation dimensions following the administration of the PIP for a period of two years.
- (c) The affected employee is not being investigated by the department for alleged misconduct.

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Performance Improvement Plans

- (d) The affected employee is not a party to a civil suit in their capacity as an employee of the city.

Attachments

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<u>Victim Type:</u> ☐ Individual Legal name (Last, First): _____ Other Names used (AKA): _____ ☐ School, business or organization Name: _____ Type: _____ (e.g., non-profit, private, public school) Address: _____ ☐ Faith-based organization Name: _____ Faith: _____ Address: _____	<u>Target of Crime (Check all that apply):</u> ☐ Person ☐ Private property ☐ Public property ☐ Other _____ <u>Nature of Crime (Check all that apply):</u> ☐ Bodily injury ☐ Threat of violence ☐ Property damage ☐ Other crime: _____ Property damage - estimated value _____
BIAS	<u>Type of Bias</u> <u>(Check all characteristics that apply):</u> ☐ Disability ☐ Gender ☐ Gender identity/expression ☐ Sexual orientation ☐ Race ☐ Ethnicity ☐ Nationality ☐ Religion ☐ Significant day of offense (e.g., 9/11, holy days) ☐ Other: _____ Specify disability (be specific): _____ _____	<u>Actual or Perceived Bias – Victim’s Statement:</u> ☐ Actual bias [Victim actually has the indicated characteristic(s)]. ☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i> <u>Reason for Bias:</u> Do you feel you were targeted based on one of these characteristics? ☐ Yes ☐ No <i>Explain in narrative portion of Report.</i> Do you know what motivated the suspect to commit this crime? ☐ Yes ☐ No <i>Explain in narrative portion of Report.</i> Do you feel you were targeted because you associated yourself with an individual or a group? ☐ Yes ☐ No <i>Explain in narrative portion of Report.</i> Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? ☐ Yes ☐ No <i>Describe in narrative portion of Report.</i> Are there Indicators the suspect is affiliated with a criminal street gang? ☐ Yes ☐ No <i>Describe in narrative portion of Report.</i>
	<u>Bias Indicators (Check all that apply):</u> ☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used ☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____ <i>Describe with exact detail in narrative portion of Report.</i>	
HISTORY	<u>Relationship Between Suspect & Victim:</u> Suspect known to victim? ☐ Yes ☐ No Nature of relationship: _____ Length of relationship: _____ <i>If Yes, describe in narrative portion of Report</i>	☐ Prior reported incidents with suspect? Total # _____ ☐ Prior unreported incidents with suspect? Total # _____ Restraining orders? ☐ Yes ☐ No <i>If Yes, describe in narrative portion of Report</i> Type of order: _____ Order/Case# _____
WEAPONS	Weapon(s) used during incident? ☐ Yes ☐ No Type: _____ Weapon(s) booked as evidence? ☐ Yes ☐ No Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No	

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE	Witnesses present during incident? ☐ Yes ☐ No		Statements taken? ☐ Yes ☐ No	
	Evidence collected? ☐ Yes ☐ No Photos taken? ☐ Yes ☐ No Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		Recordings: ☐ Video ☐ Audio ☐ Booked Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim	

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	☐ Tattoos ☐ Shaking ☐ Unresponsive ☐ Crying ☐ Scared ☐ Angry ☐ Fearful ☐ Calm ☐ Agitated ☐ Nervous ☐ Threatening ☐ Apologetic ☐ Other observations: _____	☐ Tattoos ☐ Shaking ☐ Unresponsive ☐ Crying ☐ Scared ☐ Angry ☐ Fearful ☐ Calm ☐ Agitated ☐ Nervous ☐ Threatening ☐ Apologetic ☐ Other observations: _____
	<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>	
	Has suspect ever threatened you? ☐ Yes ☐ No Has suspect ever harmed you? ☐ Yes ☐ No Does suspect possess or have access to a firearm? ☐ Yes ☐ No Are you afraid for your safety? ☐ Yes ☐ No Do you have any other information that may be helpful? ☐ Yes ☐ No	
<u>Resources offered at scene:</u> ☐ Yes ☐ No Type: _____		

MEDICAL	<table style="width: 100%;"> <tr> <th style="text-align: left; width: 15%;"><u>Victim</u></th> <th style="text-align: left; width: 15%;"><u>Suspect</u></th> <th></th> </tr> <tr> <td>☐</td> <td>☐</td> <td>Declined medical treatment</td> </tr> <tr> <td>☐</td> <td>☐</td> <td>Will seek own medical treatment</td> </tr> <tr> <td>☐</td> <td>☐</td> <td>Received medical treatment</td> </tr> </table> Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No	<u>Victim</u>	<u>Suspect</u>		☐	☐	Declined medical treatment	☐	☐	Will seek own medical treatment	☐	☐	Received medical treatment	<u>Paramedics at scene?</u> ☐ Yes ☐ No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<u>Victim</u>	<u>Suspect</u>												
☐	☐	Declined medical treatment												
☐	☐	Will seek own medical treatment												
☐	☐	Received medical treatment												

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Military Equipment Inventory 09012024.pdf



REQUEST FOR LEGAL OPINION

City Attorney's Office

Attorney-Client Privilege Communication

Date:	Initiated By:
Department:	Division:
Phone:	Dept. Head Approval (initial to approve):
Subject:	
Requested Deadline Date:	
Meeting Date (if applicable):	

REQUEST TYPE (Check one and indicate the required attachments are enclosed)

☐ CONTRACT/AGREEMENT ☐ Initial ☐ Amendment No. ____ Required Attachments ☐ Proposed Contract or Amendment ☐ Initial Contract and All Prior Amendments (if amendment) ☐ Applicable Insurance Requirements ☐ Bids/Quotes or Approved Sole Source ☐ After-the-Fact Form (if required) ☐ Sanctuary City Compliance Stmt.	☐ RESOLUTION Required Attachments ☐ Draft Resolution ☐ Agenda Report	☐ ORDINANCE Required Attachments ☐ Draft Ordinance ☐ Agenda Report
☐ AGENDA REPORT Required Attachments ☐ Relevant background documents (statute, ordinance, policy, contract, court decision) ☐ Relevant communications (emails, letters)	☐ LEGAL OPINION/ANALYSIS Required Attachments ☐ Relevant background documents (statute, ordinance, policy, contract, court decision) ☐ Relevant communications (emails, letters)	☐ OTHER (Explain) _____ _____ Required Attachments ☐ Relevant background documents (statute, ordinance, policy, contract, court decision) ☐ Relevant communications (emails, letters)

Summarize the request (Include context, historical background, prior actions, and need for meeting body approval (e.g., City Council, RHA, etc.). Attach a separate sheet if necessary.):

RESPONSE BY CITY ATTORNEY'S OFFICE

1st Review:	2nd Review:	3rd Review:	4th Review:
☐ APPROVED AS TO FORM		☐ APPROVED SUBJECT TO CHANGES SHOWN	
☐ REPLY BELOW/ATTACHED		☐ OTHER _____	

Attorney's Signature: Shannon Moore **Date:** _____



**Guidelines for Submitting Requests for Legal Opinion to
the Richmond City Attorney's Office
(last updated 4/11/2024)**

PURPOSE:

The purpose of this policy is to ensure:

- 1) the City of Richmond's (COR) legal interests are protected,
- 2) the efficient use of resources of the City Attorney's Office (CAO), and
- 3) the quality of the legal review and legal opinions.

The CAO provides legal opinions, research, and recommendations on specific issues made in the form of a Request for Legal Opinion (RLO) that are of legal significance for the COR. RLOs address different subject matters, including but not limited to: approvals as to form for all proposed contracts and amendments, resolutions and ordinances, agenda reports; responding to questions which require legal interpretation and guidance; and conducting legal research. RLOs, however, are not requests to conduct factual research, edit, or proof-read documents.

RLO PROCESS:

1. Submission:

- 1) **All RLOs must be submitted in writing, utilizing the RLO form.**

The RLO form is available at:

<https://www.ci.richmond.ca.us/DocumentCenter/View/738/AP250-1-Request-for-Legal-Opinion-or-Funding?bidId=>

➤ **A RLO submission not sent using the RLO form will be returned for resubmission.**

- 2) **All RLOs must be sent via email to: rlo_attorney@ci.richmond.ca.us.**

No RLO may be verbal, sent directly to an attorney or CAO staff member, or via alternate channels of communication. This ensures coordination and tracking to avoid duplication of effort, efficient use of resources, objectivity, and accountability.

➤ **A RLO submission not sent via the RLO email will be returned for resubmission.**

3) All RLOs require full disclosure of underlying, relevant facts and documentation.

All RLO forms should be filled-out completely and attach all relevant documentation. Drafts of contracts, resolutions, ordinances, and agenda reports should be in final form, thoroughly researched, and fully proof-read before attaching to a RLO form.

2. Review of RLO Submission:

When an RLO is received, CAO staff will review for completeness (the RLO form is filled out completely; the indicated documents are attached).

➤ **A RLO submission that is incomplete, does not enclose all pertinent documentation, and/or is not in final form will be returned for resubmission.**

3. Attorney Assignment:

Once staff determines the RLO is complete, an attorney will be assigned within 24 hours. The requester will receive an email confirmation noting the assigned attorney. If necessary, the assigned attorney may contact the requester for clarification, further information, or additional documents. The assigned attorney will then conduct a thorough and detailed review of applicable law(s) and documents relevant to the issue(s) presented. Once the research is complete, the attorney prepares a response to the RLO. There may be several levels of review with the requester before the RLO is ultimately approved with the assigned attorney's signature.

➤ **All email communications between the attorney(s) and requestor should include a cc to rlo_attorney@ci.richmond.ca.us for tracking purposes.**

4. Review Times and Response Dates:

➤ **All RLOs require a minimum of 5-business day response time (exclusive of holidays and RLOs received after 5 p.m. on weekdays and on weekends).**

Once an attorney is assigned to an RLO, the requester will receive an initial response date. The response date may change if, during review, additional information is needed, revisions are required for approval, and/or more time is required due to the issues presented in the RLO.

Attorneys have an ethical duty of due diligence, and must often review and analyze statutes, case law, and numerous documents to render informed, well-researched, and well-analyzed opinions on legal questions. As such, "One Size Doesn't Always Fit All." RLOs which require more detailed review and analysis may require more time. There may be circumstances when a quicker review is needed, but that should be the exception rather than the rule. If the opinion involves complex issues, the Chief Assistant City Attorney may assign additional attorney(s) to review the RLO, which may require additional time.

For example, City Attorneys are often asked by council members that ordinances adopted by another agency or “model” ordinances be considered as a possible approach to address COR issues. Although this can save time, particularly if the “model” ordinance has already been legally tested, an ordinance that works for one agency does not necessarily address the needs of or meet the requirements of another. As such, thorough review and customization by the CAO is imperative before considering the adoption of a “model” ordinance.

Below are anticipated review times for frequently requested RLOs, but CAO reserves the right to determine review times on a case-by-case basis based on the novelty or complexity of the issue presented:

Type of RLO	Anticipated Review Time Needed
Contracts (valued at \$10,000 or less)	5 business days
Contracts (valued at more than \$10,000)	10 business days
Agenda Reports Only	5 business days
Agenda Reports with RLO Approved Resolutions, Ordinances, or Contracts	10 business days
Resolutions	15 business days
Ordinances	20 business days
Legal Opinion/Analysis Memoranda	20 business days

5. RLO Response

The CAO will issue a final response to an RLO in writing via email. The assigned attorney will return a signed RLO form and may attach documentation, such as a memorandum, relevant statutes or ordinances, and/or applicable cases when appropriate.

Supplemental Hate Crime Report-Agency.pdf

SUPPLEMENTAL HATE CRIME REPORT

Page 1 of 2

☐ Hate incident (No Crime Committed)

☐ Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

☐ Individual

Legal name (Last, First): _____

Date of Birth

Age

Sex

Race

☐ School, business or organization

Name: _____

Type: _____
(e.g., non-profit, private, public school)

☐ Faith-based organization

Name: _____

Faith: _____

☐ Other

Name: _____

Type: _____

Address: _____

Date and time of incident: _____

Location of incident: _____

Date and time of report: _____

Location of report: _____

Agency Case #: _____

NATURE OF CALL FOR SERVICE (check all that apply)

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

☐ Disability

☐ Gender

☐ Gender identity/expression

☐ Sexual orientation

☐ Race

☐ Ethnicity

☐ Nationality

☐ Religion

☐ Significant day of offense
(e.g., 9/11, holy days)

☐ Association with a person or group with
one or more of these characteristics
(actual or perceived)

☐ Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated
characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?

☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an
individual or a group?

☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group
(i.e., literature/tattoos)?

☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?

☐ Yes ☐ No

BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech

☐ Acts/gestures

☐ Property damage

☐ Symbol used

☐ Written/electronic communication

☐ Graffiti/spray paint

☐ Other: _____

SUPPLEMENTAL HATE CRIME REPORT

Page 2 of 2

HISTORY

SUSPECT INFORMATION				RELATIONSHIP BETWEEN SUSPECT & VICTIM	
Legal name (Last, First): _____				Suspect known to victim: ☐ Yes ☐ No	
Other Names used (AKA): _____				Nature of relationship: _____	
Date of Birth	Age	Sex	Race	Length of relationship: _____	
				☐ Prior reported incidents with suspect: <i>Total #</i> _____	
Relationship to Victim: _____				Prior unreported incidents with suspect: ☐ Yes ☐ No ☐ Unknown	

WEAPONS/FORCE

Weapon(s) used during incident?	☐ Yes	☐ No	Type: _____
Force used during incident?	☐ Yes	☐ No	Type: _____

EVIDENCE

Witnesses present during incident?		☐ Yes	☐ No	Statements taken?		☐ Yes	☐ No
Evidence collected?	☐ Yes	☐ No	Recordings:	☐ Video	☐ Audio	☐ Booked	
Photos taken?	☐ Yes	☐ No	Suspect identified:	☐ Field ID	☐ By photo/video	☐ Known	

RESOURCES

Resources offered at scene: ☐ Yes ☐ No		
☐ Marsy's Law Handout	☐ Hate Crimes Brochure	☐ Other: _____

MEDICAL

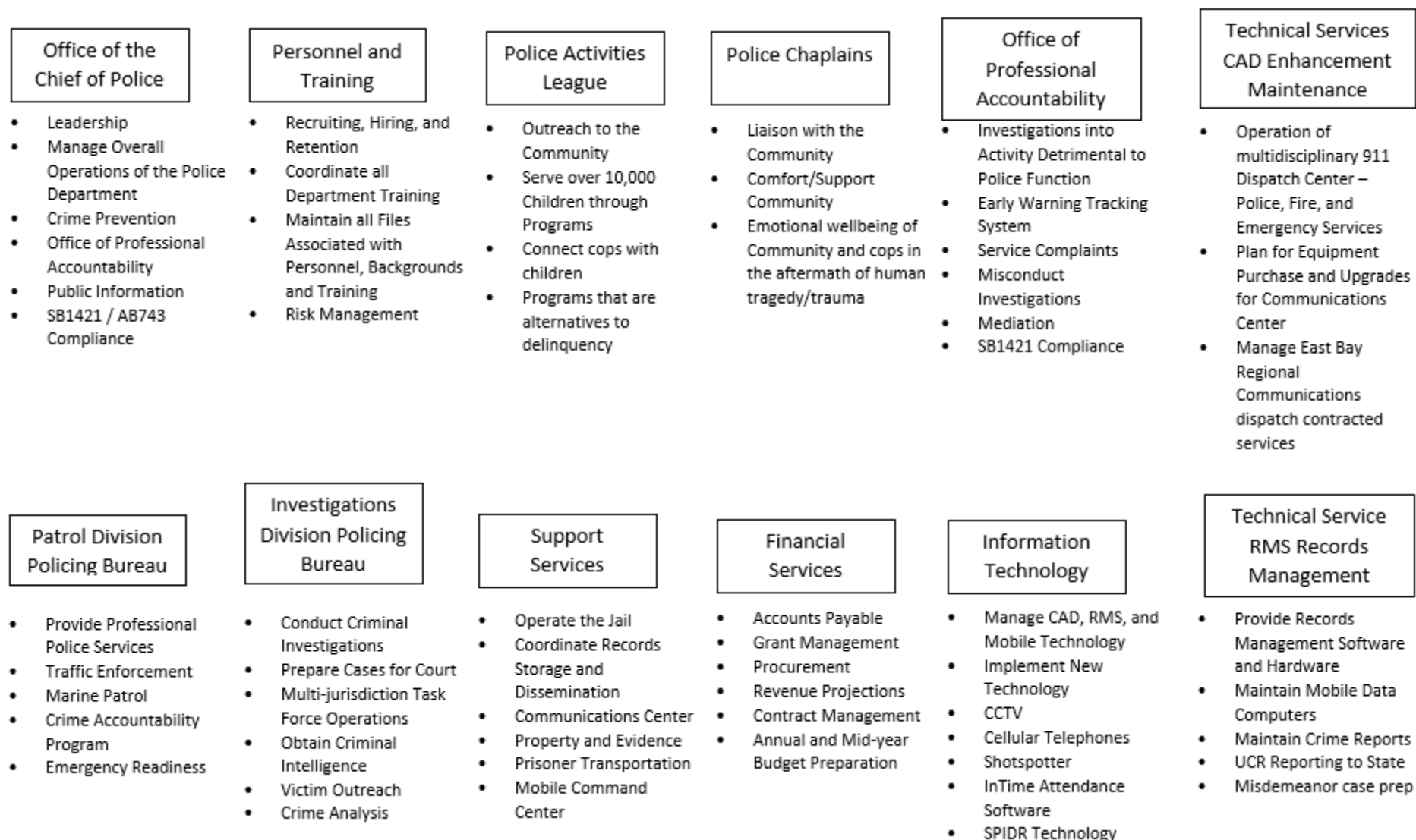
Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment
☐	☐	Injuries observed

Completed by	Date
Name/Title/ID number	

Interpretation Service Languages.JPG

Organizational Chart.pdf

POLICE PROGRAM ORGANIZATION CHART



Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

**Military Equipment Inventory
Updated 09012024 (002).pdf**



Richmond Police Department

MILITARY EQUIPMENT INVENTORY

Background

Assembly Bill 481 was adopted by the California Legislature and approved by Governor Gavin Newsom in September 2021. It went into effect on January 1, 2022. AB 481 is designed to increase community awareness and oversight over the possession and use by local police departments of certain types of equipment that AB 481 labels as “military” equipment. It requires the City Council to provide both authorization and oversight of the equipment used.

The law, codified in California Government Code sections 7070 through 7075, requires law enforcement agencies to produce a military equipment use policy that identifies and describes: each type of military equipment; its authorized use; fiscal impact; rules/laws that govern use of such equipment; training required; and mechanisms to ensure compliance with the policy. (*See* Gov. Code section 7070(d)). The City Council is required to approve the policy for the Department to continue using this equipment. Additionally, the law requires an annual report and annual review by the governing body for continued use of the equipment. AB 481 requires every local law enforcement agency in California to post its proposed military equipment use policy no later than May 1, 2022. The law also requires at least a 30-day period for public comment on the proposed policy before the governing body discusses the proposed policy in a public meeting.

Police agencies across the state have developed similar policies to comply with this new law. The Department’s proposed policy describes the equipment that has already been in the Department’s possession. The Department does not possess any equipment that is atypical for the region. The City of Richmond possesses fewer types of this equipment than many other Bay Area agencies.

Definitions

Pursuant to AB-481, the following definitions are applicable **only** to the Department's current military equipment inventory and potential future military equipment acquisitions for operational needs. (For a more detailed list, refer to Government Code section 7070, for "military equipment" as defined within the Assembly Bill.)

"Governing body" means the Richmond City Council and Mayor.

"Military equipment" means the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles. This definition applies to the Department's inventory of small Unmanned Aircraft Systems (sUAS) and SWAT robots.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. **(Not applicable to the Richmond Police Department)**
3. High mobility multipurpose wheeled vehicles (HMMWV), 2 ½, ton trucks, five-ton trucks, or wheeled vehicles that have breaching or entry apparatus attached. **(Not applicable to the Richmond Police Department)**
4. Tracked armored vehicles that provide ballistic protection to their occupants **(Not applicable to the Richmond Police Department)**
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units. (Mobile Command Vehicle)
6. Weaponized aircraft, vessels, or vehicles of any kind. **(Not applicable to the Richmond Police Department)**
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram. (Breaching Shotguns)

8. Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition. **(Not applicable to the Richmond Police Department)**
9. Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code 30510 and Penal Code 30515, with exception of standard-issue firearms.
10. Any firearm or firearm accessory that is designed to launch explosive projectiles. **(Not applicable to the Richmond Police Department)**
11. Noise-flash diversionary devices and explosive breaching tools.
12. Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and long range acoustic devices also known as LRADs. **(Not applicable to the Richmond Police Department)**
14. Kinetic energy weapons and munitions to include 40mm launcher, beanbag shotgun, foam-tipped projectiles.
15. Any other equipment as determined by a governing body (Richmond City Council) or a state agency to require additional oversight. **(Not applicable to the Richmond Police Department)**

Military Equipment Use Policy

Military equipment use policy means a publicly released, written document governing the use of military equipment by the Department that addresses, at a minimum, all of the following:

1. A description of each type of military equipment, the quantity sought its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
2. The purposes and authorized uses for which the Department proposes to use each type of military equipment.
3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any sworn member is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
6. The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the Department will ensure that each complaint, concern, or question receives a response in a timely manner.

Military Equipment Inventory

The inventory of military equipment, particularly consumable material (ammunition, diversionary devices, extended range impact munitions, etc.) fluctuates regularly. This is based on a variety of factors including but not limited to operational usage, operational deterioration, training, maintenance, expirations, and replenishment guidelines.

The following are various types, descriptions, and guidelines for usage of military equipment currently employed by the Richmond Police Department:

TACTICAL ROBOT	
Equipment Type: Small unmanned tracked robot of any type that is capable of being remotely controlled as well as all of the supporting or attached systems designed for gathering information through imaging, recording or by any other means.	
Quantity Owned: One (1)	Lifespan: Approximately 5-7 Years
Equipment Capabilities: Can support first responders in any hazardous incident, which would benefit from a ground level perspective. These uses could include barricaded suspects or high-risk tactical operations, disasters response, and use in crawl spaces or confined isolated areas to assist in searches for suspects or evidence.	
Manufacturer Product Description: Small throwable reconnaissance robot designed and manufactured by Recon Robotics, is for use in law enforcement and military applications. The robot can be used by Law Enforcement First Responders, dismounted patrols, special weapons and tactics (SWAT) and other special operations teams.	
Purpose: Used to remotely gain visual and audio data, open doors, and clear buildings.	
Uses: This equipment is a battery powered, remote operated device equipped with cameras and communication capabilities. This equipment is for (potential) use during high-risk incidents and use is authorized for all members of the department who have been trained in its use. Incidents that may qualify for its use include, but are not limited to, high-risk warrant services, barricaded subjects, and hostage negotiation/rescue operations. Before entering a structure, particularly in a tactically compromised and dangerous situation, knowledge of a subject's location is very important, and the robot can provide that without placing anyone at risk. Cameras can also help determine if a subject is armed and if there are other subjects inside that need assistance. Only assigned S.W.A.T. operators who have been trained shall be permitted to operate the small-unmanned tracked robot. Use is established by the S.W.A.T team commander, and or Incident Commander. Robots shall not be used as a Use of Force on a person.	
Fiscal Impact: Initial Cost \$7,500	Annual Maintenance Cost: \$0
Legal/Procedural Rules Governing Use: It is the policy of the Richmond Police Department to utilize the robot only for official law enforcement purposes, and in a manner, that respects the privacy of our community, pursuant to State and Federal law.	
Training Required: S.W.A.T. officers authorized to operate tracked robots are required to successfully complete SWAT Basic school and are subject to practical application training in the use of the robot. Additionally, SWAT Officers regularly train on safe robot deployment in a variety of operational settings.	
Other Notes: Recon Robotics Recon Scout	

UNMANNED AERIAL SYSTEM (UAS)

Equipment Type: An unmanned aircraft of any type that is capable of sustaining directed flight, whether pre-programmed or remotely controlled, and all of the supporting or attached systems designed for gathering information through imaging, recording or by any other means.

Quantity Owned: Eight (8)

Lifespan: Approximately 3-5 Years

Manufacturer Product Description:

DJI INSPIRE – Small Unmanned Aerial System (UAS) is an unmanned aircraft of any type that is capable of sustaining directed flight, whether pre-programmed or remotely controlled, and all of the supporting or attached systems designed for gathering information through imaging, recording or by any other means.

QUANTITY – 1 (One)

INITIAL COST – \$11,000

DJI Matrice 210 – Equipped with both an aerial zoom and thermal camera, first responders can now quickly locate missing people in remote areas and plan the safest approach path.

QUANTITY – 1 (One)

INITIAL COST – \$16,000

DJI Mavic Pro M1P – The Mavic is smaller, lighter, and easier to carry with you thanks to its foldable design. Its new OcuSync transmission system has a longer transmission range and 1080p resolution. Due to its larger size, the Phantom 4 has a higher maximum speed and can withstand stronger winds.

QUANTITY – 1 (One)

INITIAL COST – Donated

DJI Mini 2 – The Mini 2 can resist 29-38kph winds and take off at a max altitude of 4,000 meters, so your footage is stable even when flying along a windy coastline or high above an alpine forest. With a max battery life of 31 minutes, DJI Mini 2 grants more than enough time to compose the perfect shot.

QUANTITY – 2 (Two)

INITIAL COST – \$550 x 2

DJI Mavic Enterprise DUAL – Integrated Radiometric FLIR Thermal Sensor with adjustable parameters for emissivity and reflective surfaces.

QUANTITY – 2 (Two)

INITIAL COST – \$3,338 x 2

DJI Mavic 2 Enterprise ADVANCED – A highly versatile yet compact tool that packs a whole lot of performance upgrades. With high-resolution thermal and visual cameras, the M2EA supports up to 32 times digital zoom and is capable of centimeter-level positioning accuracy with the RTK module.

QUANTITY – 1 (One)

INITIAL COST – \$7,300

Purpose: UAS can support first responders in any hazardous incident, which would benefit from an aerial perspective. These uses could include search and rescue, barricaded suspects or high-risk tactical operations, disaster response, and video and photographic documentation of crime scenes.

Uses: 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 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

MOBILE COMMAND CENTER

Equipment Type: Completely self-contained command posts designed to provide the Incident Commander with a mobile base of operation. 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.	
Quantity Owned: 1 (One)	Lifespan: The EVI Spartan Mobile Command Center was purchased in 2013 and has a 20-year lifespan on chassis and vehicle structure. Upgrades will be needed in time to maintain IT systems.
Equipment Capabilities: This vehicle is designed to be a stand-alone mobile command post for large-scale high risk or natural disasters.	
Manufacturer Product Description: 2012 EVI Spartan is a 40-foot non-armored vehicle used as an Incident Command Post for preplanned events or unplanned high - risk incidents. As a mobile base of operation, these vehicles contain specialized command, control, and communications equipment to assist with various missions.	
Purpose: 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.	
Uses: Instances that require 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. 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.	
Fiscal Impact: Initial Cost \$402,152.52	Annual Maintenance Cost: \$3,000
Legal/Procedural Rules Governing Use: It is the policy of the Richmond Police Department to use the mobile command vehicles only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.	
Training Required: The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city. 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.	

BREACHING SHOTGUN & PROJECTILES	
Equipment Type: Remington 870 Breaching Shotgun and TESAR Breaching Rounds	
Quantity Owned: Shotguns - 2 (Two)	Lifespan: 25 years or dependent on operational usage
Breaching Rounds - 300	Approximately 5 Years
Equipment Capabilities: This weapon allows breachers to safely utilize shotgun-breaching rounds in order to destroy deadbolts, locks, and hinges. The standoff that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round.	
Manufacturer Product Description: Remington 870 Police Magnum – Pump-action shotgun is a rugged 12gauge with a short, tactical 14” barrel backed by a stout 3” chamber. TESAR 2 Breaching Rounds – Black Cap 2-3/4” 425 Grain Compressed Copper Frangible 12 Ga Shotgun Slug. TESAR 1 Breaching Rounds – Orange Cap 2-3/4” 275 Grain Compressed Copper Frangible 12 Ga Shotgun Slug.	
Purpose: Shotgun breaching, the use of a breaching shotgun to affect a breach, can be an effective option in SWAT Unit tactics. An effective breach is a design where the least amount of breaching shotgun rounds are used and still accomplishes its goal. An effective shotgun breach can defeat fortified doors and locks.	
Uses: Breaching shotguns shall only be used on a door, gate, or other entry in the following circumstances: 1. Barricaded suspect and/or hostage situations. 2. High-risk warrant services 3. When the SRT Commander or SWAT Commander deems their use necessary to safely resolve an incident.	
Fiscal Impact: Breaching Shotguns - Initial Cost \$550 (Each) Breaching Rounds – Initial Cost \$2,000	Annual Maintenance Cost: \$100 \$500
Legal/Procedural Rules Governing Use: It is the policy of the Richmond Police Department to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.	
Training Required: SWAT Officers that are trained in the use of breaching shotguns must successfully complete a SWAT Breaching course or in-house training from a breaching instructor. Furthermore, SWAT Officers must undergo live fire proficiency training in its application.	

PATROL RIFLES & AMMUNITION

Equipment Type: A semi-automatic shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR-15 style (Colt M4) weapon system is designed to fire a .223/5.56 caliber projectile.

Quantity Owned:	Lifespan:
Rifles - 98 (Ninety-eight) total	15+ Years
.223 Ammunition – 10,000 Rounds	Varies
.308 Ammunition – 2,000 Rounds	Varies

Equipment Capabilities:

The rifle caliber carbine provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Additionally, patrol rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor but are not appropriate for every situation.

.223 Ammunition - Operational Range from 0-500 yards

.308 Ammunition - Operational Range from 0-1000 yards

Manufacturer Product Description:

COLT M4 Carbine / Patrol Rifle– This carbine provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Colt’s reliability, performance and accuracy provide officers the confidence required to accomplish any mission.
 QUANTITY: 50
 INITIAL COST: \$895 each

COLT M4 / M16 A2E / (Exclusive to trained SWAT operators) – The SWAT M4 rifle provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Additionally, rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor but are not appropriate for every situation.
 QUANTITY: 13
 INITIAL COST: \$1,025 each

COLT Commando / (Exclusive to trained SWAT operators) – The Colt Commando is a very short variant of the M16A1 assault rifle. The dimensions and shorter effective range make more akin to a sub machine gun than an assault rifle.
 QUANTITY: 2
 INITIAL COST: \$1,199 each

DPMS M-160 / (Exclusive to trained SWAT operators) – The DMPS is a very short variant of the M16A1 assault rifle. The dimensions and shorter effective range make more akin to a sub machine gun than an assault rifle.
 QUANTITY: 5
 INITIAL COST: \$1,199 each

COLT M16 A2 / (Exclusive to trained SWAT operators) – The Colt M16 A2 is a very short variant of the M16A1 assault rifle. The dimensions and shorter effective range make more akin to a sub machine gun than an assault rifle.

QUANTITY: 2

INITIAL COST: \$1,199 each

COLT AR-15 Match Target Competition Rifle – This rifle is a Colt Match Target (flattop) with 16" heavy barrel with 1 in 9 twist. It has a removable handle so that a scope or optical site can be easily mounted. It comes with match rear sights and regular front site.

QUANTITY: 8

INITIAL COST: \$1,199 each

H&K MP5 (Exclusive to trained SWAT operators) – Tremendously reliable, with maximum safety for the user, easy to handle, modular, extremely accurate and extraordinarily easy to control when firing.

QUANTITY: 17

INITIAL COST: \$965 each

H&R Arms M14 – Weapon is decommissioned

QUANTITY: 1

INITIAL COST: N/A

Gold Dot Soft Point 55 or 62 grain .223 & Federal / Winchester 55 grain FJM .223 - 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.

INITIAL COST: \$358 per 1,000 rounds

ANNUAL COST: \$8,000

Federal Tactical Tru 168 grain .308 & Federal Tactical Bonded Tip 168 grain .308 (Exclusive to trained SWAT operators) - Federal Cartridge .308 Win Tactical Bonded Tip 168 Grain Duty Ammunition is made exclusively for law enforcement and achieves accuracy and terminal performance unmatched by any other ammunition. Designed to defeat the toughest barriers with minimal deflection, Tactical Bonded Tip ammo has quickly become the choice for some of the most intense conditions.

INITIAL COST: \$450 per 500 rounds

ANNUAL COST: \$2,000

Purpose: 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.

Uses: Officers may use rifles in the following situations:

- a) When there is an objectively reasonable anticipation of 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	
Fiscal Impact: Listed above	Annual Maintenance Cost: \$250
Legal/Procedural Rules Governing Use: It is the policy of the Richmond Police Department to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	
Training Required: 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 certified patrol rifle instructors.	

DIVERSION DEVICES	
Equipment Type: Canisters that emit a loud noise and bright light	
Quantity Owned: 150 (One hundred-fifty)	Lifespan: 5 Years
Equipment Capabilities: Diversionary Devices are capable of releasing large amounts of stored energy in the form of heat, light, pressure, and noise. They are intended to temporarily distract, confuse, and disorient subjects. They can also be used as “attention-getting” devices. Light Level 6 – 8 million Candelas Light Duration 10 milliseconds.	
Manufacturer Product Description: This compact version of the 8933 Low Roll body is the newest version of the original reusable non-bursting canister that limits movement and rolling once deployed. The compact Distraction Device unit packs all the power of the full size 12-Gram Distraction Device unit.	
Purpose: A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term physiological/psychological sensory deprivation to give officers a tactical advantage.	
Uses: Generally, flash/sound diversionary devices may be considered whenever the use of a less lethal diversion would help facilitate entry, enabling arrest and potentially reducing the risk of injury by disorientation of potentially dangerous suspects and/or animals. Diversion devices shall only be used for distraction purposes. Circumstances for the use of flash/sound diversionary devices include: 1. Barricaded suspect and/or hostage situations. 2. High-risk warrant services. 3. Disperse potentially violent animals. 4. When the SRT Commander or SWAT Commander deems their use necessary to safely resolve an incident. A Barricaded suspect is defined as an individual who is inside a structure and is actively preventing law enforcement from entering, typically posing a threat to themselves or others. A High-risk warrant services is defined as operations with significant risk of violence or harm, necessitating specialized equipment and tactics to ensure safety and compliance with the service of the warrant. An SRT or SWAT Commander may authorize the use of diversion devices for the above mentioned circumstances or when there is a high likelihood of a violent confrontation or when a diversion device is needed to mitigate risk to citizens and officers.	
Fiscal Impact: Initial Cost \$6,800 per 120 devices	Annual Maintenance Cost: \$0
Legal/Procedural Rules Governing Use: It is the policy of the Richmond Police Department’s policy to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	
Training Required: Diversionary Device Trainers must successfully complete a Diversionary Device Course that has been approved by the SWAT Commander.	

Diversiónary Device Trainers are responsible for maintaining and updating the SWAT Team's training and qualification as they pertain to the deployment of diversionary devices.

Diversiónary Device Trainers will attend at least one course related to diversionary devices every three years for updating training and maintenance of their training skills.

CHEMICAL AGENTS

Equipment Type: Canisters or projectile rounds containing chemical agents that are released when deployed

Quantity Owned: 675

Lifespan: 5 Years

Equipment Capabilities: Depending on the delivery method, chemical agents are capable of being introduced in close proximity or from a distance. Depending on the type of delivery system and/or quantity, chemical agents can be used to saturate individual suspects, violent crowds, or areas of varied size.

Manufacturer Product Description: Examples of chemical agents include CN, CS and OC. Delivery methods include Ferret rounds, blast dispersion rounds/canisters, burning canisters and barricade penetrating rounds.

Defense Tech SPEDE-HEAT – Pyro Burning CS gas Canister

Quantity: 10

Defense Tech HAN-BALL – Pyro Burning CS gas

Quantity: 20

Defense Tech Flameless Tri-Chamber – Pyro Internal Burn CS gas

Quantity: 10

CTS Indoor 5230B – Pyro Indoor Safe CS gas with dense cardboard to prevent heat/outside flame

Quantity: 25

Defense Tech Aerosol Vapor – Non-Pyro OC gas

Quantity: 25

Defense Tech Maximum Smoke – Pyro high volume white smoke

Quantity: 10

CTS 40mm Liquid Ferret Rounds – Non-Pyro CS gas Launchable Munition with instantons delivery once ruptured

Quantity: 100

Defense Tech 40mm Direct Impact OC – Direct impact OC gas

Quantity: 100

Pepperball – Pepper ball live projectiles .2% PAVA	Quantity: 375
Purpose: Chemical agents are to be used exclusively by SRT team members. Generally, during high-risk tactical incidents, chemical agents can be used to dislodge a suspect from a stronghold location with the least possible danger to citizens, police and the suspect. Chemical agents can be also used to prevent an armed suspect from accurately firing at citizens and/or officers.	
Uses: Chemical agents may be used for crowd control, crowd dispersal or against barricaded suspects in certain circumstances. Only the Patrol Sergeant, 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. Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652: (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed. (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate. (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene. (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals. (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable. (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets. (g) An objectively reasonable effort has been made to extract individuals in distress. (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so. (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs. (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following: 1. A violation of an imposed curfew. 2. A verbal threat.	

3. Noncompliance with a law enforcement directive. (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.	
Fiscal Impact: Initial Cost \$5,000	Annual Maintenance Cost: \$3,000
Legal/Procedural Rules Governing Use: It is the policy of the Richmond Police Department to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.	
Training Required: Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control. Proficiency training must be conducted and documented by a Department approved instructor.	

LESS LETHAL IMPACT DEVICES & KINETIC ENERGY PROJECTILES	
Equipment Type: Less than lethal tool to launch impact rounds	
Quantity Owned:	Lifespan:
Less lethal impact devices: (35) Thirty-five	10 Years and dependent on operational usage
Kinetic energy projectiles: 700	5 Years
Manufacturer Product Description, Capabilities, Quantity, Cost:	
Remington 870 Bean Bag Shotgun – Beanbag shotguns are capable of firing a 12-gauge beanbag round with a maximum effective range of sixty feet. QUANTITY: 17 INITIAL COSTS: \$550	
Remington 870 Chemical Shotgun (Exclusive to trained SWAT operators) – Beanbag shotguns are capable of firing a 12-gauge beanbag round with a maximum effective range of sixty feet. QUANTITY: 2 INITIAL COSTS: \$550	
Penn Arms 40mm, 6-cylinder Pump Multi-Launcher – Capable of firing a variety of munitions with a maximum effective range of 120 feet. The launchers can deliver munitions in the form of chemical agents, sponge baton rounds, or combined QUANTITY: 3 INITIAL COSTS: \$1,531 each	
Penn Arms 40mm, single-shot launcher – Capable of firing a variety of munitions with a maximum effective range of 120 feet. 40mm launchers can deliver 40mm munitions in the form of chemical agents, sponge baton rounds, or combined QUANTITY: 7 INITIAL COSTS: \$1,302 each	

FN 303 Launcher – The lightweight polymer magazine holds 15 projectiles and offers a clear rear cover to allow the operator to instantly verify both the payload type and the number of projectiles remaining

QUANTITY: 4

INITIAL COSTS: \$1,299 each

Federal Laboratories 37mm – The long range projectile has a 150 yard range (Decommissioned)

QUANTITY: 2

INITIAL COSTS: \$299 each

Defense Tech 40mm Exact Impact Round -

6325 – Safe Range 5 ft – 131 ft; 325 fps

6325-A (Marking) – Safe Range Open 5 Ft – 131 Ft 315 fps

Closed 131 Ft – 230 Ft; 425 fps

QUANTITY: 150

INITIAL COST: \$3,000

Defense Tech 12 gauge Bean Bag – Drag Stabilized round / Safe Range 20 ft – 75 ft, 270 fps, tear shaped bag filled with #9 shot

QUANTITY: 250

INITIAL COST: \$1,000

CTS 12 gauge Bean Bag – Super-sock round / Effective Range up to 75 ft, 270-290 fps, shot filled ballistic fiber

QUANTITY: 300

INITIAL COST: \$1,200

Purpose: 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. 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.

Uses: 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:

(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.

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful

situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652. (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed. (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate. (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene. (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals. (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable. (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets. (g) An objectively reasonable effort has been made to extract individuals in distress. (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so. (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs. (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following: 1. A violation of an imposed curfew. 2. A verbal threat. 3. Noncompliance with a law enforcement directive. (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use. Less lethal impact devices and kinetic energy projectiles shall not be used in the following circumstances: • On a person who is under restraint • Targeted at a person's head, neck or vital organs • Within 20 feet or a distance that could cause death or serious bodily injury • On a person only engaged in non-compliance or passive resistance • On a person who has made credible threats to harm themselves but is not imminently carrying out this threat	
Fiscal Impact: Initial cost Listed above	Annual Maintenance Cost: \$0
Legal/Procedural Rules Governing Use: It is the policy of the Richmond Police Department to utilize the less lethal impact devices only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.	
Training Required: 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.	

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