CHIEF'S PREFACE

The Riverside Police Department Policy Manual is the result of countless hours of research, consultation and review of modern police procedures, evolving law and emerging best practices. It is a living document; additions, changes and deletions will inevitably be required, almost from the date of its publication. Nonetheless, issuing this manual is necessary to provide guidelines for our personnel and to give insight to the communities we serve into how we do our jobs and what they can expect from us.

Each of us has an obligation to become familiar with the manual, to abide by its policies and to ensure that our comportment reflects the Department's Core Values and Mission Statement and the Law Enforcement Code of Ethics, all of which are incorporated into the Policy Manual.

The manual is not, however, a substitute for critical thinking and good judgment. No written guidance document can anticipate the entire range of human behaviors that police employees might encounter, nor can every contingency be predicted. We are all expected to follow policy. Occasionally, given the complex and nuanced nature of police work, we may need clarification from a supervisor as to how to interpret the manual in a specific situation. Always, we are expected to use our best professional judgment and our basic human decency to guide our actions. When we act thusly, we will have honored the many RPD heroes who have preceded us.

Be safe and do good.

Larry V. Gonzalez

Chief of Police

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION STATEMENT

The Riverside Police Department is dedicated to improving the quality of life, by creating a safe environment, in partnership with the people we serve. We act with integrity and grit to reduce fear and crime, while treating all with respect, compassion, and fairness.

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VISION STATEMENT

We will engage our community through exemplary service and unequaled professionalism, while employing a work force that reflects the diversity of our city. We will commit to implementing the latest technology available, and best practices, to meet the demands of 21st century modern policing. We will invest in the success of our employees of the Riverside Police Department by providing excellent training opportunities, advancement, and personal growth.

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CORE VALUES

INTEGRITY

We do what is right even when no one is looking. We pledge to uphold the core principles espoused in the Police Officer's Code of Ethics. We utilize this code as our moral compass guiding us to make proper choices. We recognize the ideals of integrity are inseparable from several other characteristics:

- **ACCOUNTABILITY** - We do not try to shift the blame to others or take credit for the work of others.
- **COURAGE** - We have moral courage and we do what is right even if the personal cost is high.
- **HONESTY** - We do not lie, cheat, or steal nor tolerate those among us who do.
- **HUMILITY** - We encourage feedback and input from all directions of the organization and community.
- **RESPECT** - We respect all people without personal prejudice, bias, or favoritism.

SERVICE

We make personal sacrifices in order to assist those in need. We promote the idea that professional duties and responsibilities take precedence over personal desires. We practice such service in the community, as well as in the police department, placing the welfare of others over self.

EXCELLENCE

We do the best possible job at all times. We have a passion for continuous improvement and innovation. We recognize that our continued momentum will propel the Department to long-term accomplishments and high performance. We understand that we will only achieve such excellence when the members of the Department work together to successfully reach common goals in an atmosphere free of fear, inspiring individual growth, and preserving dignity.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

It is the policy of the Riverside 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.

100.3 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.).

100.3.1 DELIVERY TO NEAREST MAGISTRATE

When an officer makes an arrest pursuant to a warrant issued in a county other than where the person was arrested, the officer shall inform the person of the right to be taken before a magistrate in the county where the warrant was issued (Penal Code § 821; Penal Code § 822).

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE RIVERSIDE POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Riverside 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.

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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.

100.3.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE RIVERSIDE POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Riverside 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 in the presence of the officer such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

100.3.4 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:

1. A misdemeanor committed in the presence of the officer.
2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

(b) The arrest is made in a public place.

(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.

100.3.5 OREGON AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when officers are acting:

(a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

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(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Riverside Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

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).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person’s clearly established rights under the United States and California Constitutions.

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Chief Executive Officer

101.1 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.

101.1.1 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).

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Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

It is the policy of the Riverside 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.

102.3 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.”

102.4 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Riverside 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.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

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

103.3 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 General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 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).

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CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of Riverside.

Civilian - Employees and volunteers who are not sworn peace officers.

Department/RPD - The Riverside Police Department.

DMV - The Department of Motor Vehicles.

Employee/personnel - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The Riverside Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Riverside Police Department, including full-time sworn officers, reserve officers, civilian employees and volunteers.

Officer - Those employees, regardless of rank, who are sworn peace officers of the Riverside 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 regarding 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.

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103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Riverside Police Department. There are six divisions in the Police Department as follows:

- Office of The Chief
- Support Services Division
- Administrative Services Division
- Field Operations Division
- Special Operations Division
- Investigations Division

200.2.1 OFFICE OF THE CHIEF

The Office of The Chief consists of the Internal Affairs Bureau, The Community Services Bureau, and the Criminal Intelligence Unit.

200.2.2 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that division. The Support Services Division consists of the Training Bureau, the Personnel Bureau, the Records Bureau, and the Communications Bureau.

200.2.3 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for that Division. The Administrative Services Division provides business and support services for the Department, which include Financial and Budget Management, Grants Administration, Contract Management, Fleet Services, Payroll, and Facilities Management.

200.2.4 FIELD OPERATIONS DIVISION

The Field Operations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Field Operations Division consists of Uniformed Patrol, Technical Services Unit, and the Traffic Bureau.

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200.2.5 SPECIAL OPERATIONS DIVISION
The Special Operations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Special Operations Division consists of the METRO/SWAT Unit, Aviation Bureau, Arson Unit, PACT, UNET, and the Neighborhood Policing Centers.

200.2.6 INVESTIGATIONS DIVISION
The Investigations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Investigations Division consists of the Special Investigations Bureau, and the InvestigationsBureau.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND
The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate the Assistant Chief to 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) Deputy Chief of Administration

(b) Deputy Chief of Operations

(c) Field Operations Division Commander

(d) Special Operations Division Commander

(e) Centralized Investigations Division Commander

(f) Support Services Division Commander

(g) Watch Commander

200.3.2 UNITY OF COMMAND
The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS
Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

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Retired Annuitants

201.1 PURPOSE AND SCOPE

The Riverside Police Department has enacted a retired annuitant employment program in order to support its critical mission requirements and meet the Department's workforce planning challenges.

A retired annuitant is defined as a former public agency employee receiving an annuity from the CalPERS retirement system, or who meets all requirements for entitlement to an annuity and has submitted a claim for retirement.

An individual who meets the qualifications of this policy may be appointed by the Chief of Police as a retired annuitant employee.

201.2 POLICY

The authority to appoint annuitants shall not be used to solely benefit an annuitant, nor shall it be used in lieu of promotion, training, or other ordinary career development / advancement of current employees.

Retired Annuitant employees may be appointed under unusual circumstances to meet critical department needs. Such appointments should be carefully considered, keeping in mind the Department's needs and necessary mission requirements. Circumstances in which it is appropriate to reemploy an annuitant include:

(a) The position is hard to fill as evidenced by historically high turnover, a severe shortage of candidates, or other significant recruiting difficulty.

(b) The position is critical to accomplish the organization's mission or to complete a specific project or initiative, and a suitable candidate is unavailable to assume those duties.

(c) An annuitant has unique or specialized skills, or unusual qualifications not generally available.

Appointment of annuitants shall be consistent with all applicable laws and regulations, including CalPERS guidelines for rehiring retired annuitants.

201.2.1 RANK AND POSITION

A retired annuitant employee may, at the discretion of the Chief, retain his or her pre-retirement rank and position for the duration of the appointment.

201.3 DURATION

Retired annuitants shall be at-will employees and shall serve at the discretion of the Chief of Police.

Retired annuitant employees shall not serve for more than 960 hours in a fiscal year except under exceptional circumstances and in accordance with law and regulations of the CalPERS retirement

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system. Annuitants exceeding 960 hours per fiscal year require prior authorization from the City of Riverside and CalPERS.

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General Order

202.1 PURPOSE AND SCOPE

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

202.1.1 GENERAL ORDER PROTOCOL

General Orders will be incorporated into the manual as required upon approval of Staff. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing General Orders have now been incorporated in the updated Policy Manual as of the below revision date.

Any General 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 General Order for the year 2008.

202.2 RESPONSIBILITIES

202.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a General Order.

202.2.2 CHIEF OF POLICE

The Chief of Police shall issue all General Orders.

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Department Orders, Bulletins, Administrative Communications, and Correspondence

203.1 PURPOSE AND SCOPE

Department orders, bulletins, administrative communications, and correspondence establish a means of communication that may be used by the Chief of Police to make immediate changes to policy and procedure, announce personnel status changes, disseminate training information, or communicate with the public.

203.1.1 EMAIL NOTIFICATION

At a minumum, all employees shall access and read their Department email at the beginning and the end of their assigned shift. This will allow employees to receive any dissiminated Department Orders, Bulletins, Policy Revisions, and Administrative Communications.

203.2 DEFINITIONS

GENERAL ORDER - A written directive requiring compliance that applies to all members of the Department.

SPECIAL ORDER - A written directive requiring compliance that establishes a temporary policy or procedure on a given subject for a specific amount of time.

PERSONNEL ORDER - A written communication announcing and documenting all promotions, hiring of new personnel, separations, personnel and group commendations, or other chnages in status.

DEPARTMENT POLICIES AND PROCEDURES - Written methods of operation, requiring compliance, that generally apply to all members of the Department.

INFORMATION BULLETIN - A written communication of an informational nature provided to members of the Department.

TRAINING BULLETIN - A written communication regarding a variety of topics provided to members of the department for training purposes.

203.3 DEPARTMENT ORDERS AND BULLETINS

Department Orders shall be approved and issued by the Chief of Police. General Orders and Special Orders shall be incorporated into the Department's policy manual as required upon approval of Staff.

Drafts of Information Bulletins and Training Bulletins will be sent to the Personnel Bureau by the requesting division or originate in the Personnel Bureau.

203.3.1 DISSEMINATION

The Personnel Bureau shall disseminate all Department Orders and Bulletins via Department email to all sworn and affected non-sworn personnel.

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203.3.2 RETENTION

Each Division shall keep posted in a place accessible to all personnel updated Department Orders and Bulletins. The Personnel Bureau shall maintain a master file of all Department Orders and Bulletins and keep it posted and accessible to all personnel on the Department's network "S" drive.

All General Orders and Special Orders will have an expiration date, unless:

- The order is self-canceling by its nature; or
- The order effects a long-term change in a Department policy or procedure. Department Orders that modify existing policies or create a new policy will be rescinded upon incorporation into the Department's policy manual.

203.3.3 DEPARTMENT ORDERS RESULTING IN POLICY REVISIONS

The author of any General Order or Special Order effecting a long-term change shall initiate the drafting of a new or revised policy or procedure as required within 30 days. The new or revised policy or procedure will be forwarded to the Chief's Office for review/approval, via the authoring employee's chain of command. Once approved, the policy or procedure will be forwarded to the Personnel Bureau and incorporated into Department's Policy manual.

203.3.4 FORMATTING

Department Orders and Bulletins shall formatted according to templates issued via the Personnel Bureau.

- The body of the Department Order or Bulletin should be brief and contain only pertinent information or the essential elements of the directive.
- The Personnel Bureau will number each Department Order or Bulletin by year and numerical order, and will maintain the master copy approved by the Chief of Police
- The signature block on all Department Orders and Bulletins shall be justified at the left-hand margin and shall be:

Sergio G. Diaz

Chief of Police

- The initials of the person signing, the author, and the typist shall appear below the signature block at the left-hand margin. The initials of typist shall be in lowercase and each set of initials will be separated by a slash (/).

203.4 DIVISION ORDERS AND BULLETINS

A Division may institute and track changes in the Division's Standard Operating Procedures by publishing orders and bulletins that are specific only to the Division.

- The Division orders and bulletins will be numbered by year and numerical order.
- The Division will maintain a master file of all Division orders and bulletins in accordance with the Department's Records Retention Policy.

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- The Division Commander will be responsible for dissemination to include the Office of the Chief of Police, Personnel Bureau and Internal Affairs.
- It will be the responsibility of the author of any Division Order to initiate the appropriate change to the Division Standard Operating Procedure when necessary.

203.5 DEPARTMENT POLICIES AND PROCEDURES

Department Policies and Procedures provide for standardization, information retention, and accessibility to written methods of operation.

203.5.1 DISSEMINATION

The Personnel Bureau shall disseminate a General Order or Special Order via email notifying all affected employees of any new or revised policies or procedures.

203.5.2 RETENTION

Department Policies and Procedures shall be canceled only by a more recent Policy or Procedure or a notice of cancellation. The originating division will disseminate a notice of cancellation, upon approval by the Chief of Police or designee. The Personnel Bureau will disseminate a General Order or Special Order to notify all personnel of the cancellation.

The Personnel Bureau shall maintain an updated Policy and Procedures Manual and keep it posted and accessible to all personnel on the Department's network "S" drive.

203.5.3 REVISIONS

Reviews and revisions of the Department Policies will be completed bi-annually at a minimum.

- The Personnel Bureau will send policies as needed to the originating division for review or revision.
- Policies may be reviewed or revised before the annual review or revision period if a need is identified by the originating division.
- The Personnel Bureau will incorporate any new or revised policies into the Department Policy manual bi-annually at a minimum.

203.5.4 FORMATTING

Department Policies and Procedures shall be written in a clear and concise manner. Each policy will begin with section titled PURPOSE AND SCOPE that will describe the purpose and scope of the policy. Additional sections and sub-sections may be added as appropriate following the same formatting style used in this policy.

203.6 ADMINISTRATIVE COMMUNICATIONS AND CORRESPONDANCE

- All Department correspondence shall be clear and concise.

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- Correspondence shall be given prompt attention when a reply is required. If unusual delay cannot be avoided, acknowledgment will be made with an approximate date of reply included.
- An acknowledgment of receipt of correspondence will be made whenever requested.
- The signature block on correspondence signed by the Chief of Police shall be justified at the left-hand margin and shall be:

Sergio G. Diaz

Chief of Police

- The initials of the person signing, the author and the typist should appear below the signature block at the left-hand margin. The initials of the typist should be in lowercase, and each set of initials should be separated by a slash (/).
- All written forms of communication addressed to "All Personnel" shall be signed by the Chief of Police.
- Correspondence answering policy questions and/or complaints concerning the Department or an officer, correspondence to the City Manager, Mayor, a Council member, other high official, or commendatory letters are not to be signed by anyone other than the Chief of Police or designee.

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Emergency Management Plan

204.1 PURPOSE AND SCOPE

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

204.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated on the order of the official designated by local ordinance.

204.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Riverside 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.

204.3 LOCATION OF THE PLAN

A hard copy of the Emergency Operations Plan is available in the Office of the Chief, Dispatch, Support Services, and the Watch Commander's office. An electronic copy of the Emergency Operations Plan will be available to all sworn and civilian supervisors and managers. All supervisors and managers should familiarize themselves with the Emergency Operations Plan. The Support Services Commander should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

204.4 UPDATING OF MANUALS

The Chief of Police or designee shall review the Emergency Operations Plan Manual at least once every year 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.

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Training Policy

205.1 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.

205.2 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).

205.3 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

205.4 TRAINING PLAN

A training plan will be developed and maintained by the Support Services Division Commander. It is the responsibility of this Training Bureau Manager 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
- City Policy

205.5 TRAINING RESPONSIBILITIES

The duty of the Training Bureau is to prepare and present as necessary training classes for department personnel and coordinate training presented within the department. The Training Bureau also assists in the development of training bulletins and department manuals and is responsible for the operation of all training facilities. The Training Bureau is responsible for the operation of all firing ranges and the maintenance of department owned firearms including related equipment. The Training Bureau will also maintain departmental training records required

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by regulatory agencies and will coordinate, as requested, training of personnel by other than departmental sources.

205.5.1 TRAINING REQUIREMENT
The training requirement for members of the Department is as follows:

- Advanced Officer Training consists of 24 hours of training every two years in compliance with the CA Commission on Peace Officer Standards and Training (POST) requirements.
- Any additional training for newly hired personnel, sworn or civilian staff, will be presented as approved by the Support Services Divsion Commander, or designee. Questions related to the stated training requirements should be directed to the Support Services Divsion Commander.

205.6 TRAINING COMMITTEE

The Training Bureau Manager shall identify training needs for the Department with input from the staff.

The Training Bureau Manager and his/her staff should review certain incidents to determine whether training would likely improve future outcomes, or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific training needs may be identified pursuant to a department review of the following types of incidents:

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high risk of death, serious injury, or civil liability.

(c) Incidents identified by a supervisor as appropriate for review to identify possible training needs.

The Training Bureau staff should convene on a regular basis as determined by the Training Bureau Manager to review the identified incidents. The Training Bureau shall determine whether a training need exists and then submit written recommendations of its findings to the Training Bureau Manager. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Bureau Manager will consider the recommendations of the training bureau staff and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

205.7 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their Division Commander. Excused absences from mandatory training should be limited to the following:

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

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

1. Notify his/her supervisor as soon as possible.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Bureau Manager to attend the required training on an alternate date.

205.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Riverside Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Bureau Manager.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Bureau Manager. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

205.9 TRAINING REQUESTS / NOTIFICATIONS

205.9.1 ELECTRONIC TRAINING REQUESTS (ETR)

Electronic training requests are intended to promote continuing professional training. They are computer generated routing requests initiated by the employee or supervisor for requested training.

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205.9.2 PROCEDURE

(a) The employee requesting to attend training shall submit their request to their Supervisor using the electronic training request (ETR).

1. The employee will check the waiver box on the ETR if he/she is waiving the 28 day advance notice and willing to accept adjusted days off for time at training on their normal days off.

(b) The supervisor will review and assess the training request. Approved requests will be forwarded to the Division Commander.

(c) The Division Commander will approve or deny the request. If the request is denied, the Division Commander will reject the request. If the request is approved, the Division Commander will forward the request to the Training Bureau.

(d) The Training Bureau will schedule the approved training and forward the ETR to the Support Services Commander. In the event that the employee cannot attend scheduled training, it is his/her responsibility to notify their Division Commander, Training Bureau, and Accounting.

(e) The employee will receive a supplemental notification from Accounting approximately two (2) weeks in advance of the training that he/she is scheduled to attend. This notification will include lodging, cash advance, and transportation information.

(f) The employee will submit the expense form and class evaluation form to their supervisor within one (1) week after returning from school.

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Training Request / Notification

206.1 PURPOSE AND SCOPE

The Police Department's goal is to establish a uniform procedure for employees to request attendance to P.O.S.T. and non-P.O.S.T. training, seminars, conferences and meetings. The employee shall be notified if the request was accepted or denied by the Division Commander.

206.2 ELECTRONIC TRAINING REQUEST (ETR)

Electronic training requests are intended to promote continuing professional training. They are computer generated routing requests initiated by the employee or supervisor for requested training.

206.3 PROCEDURE

(a) The employee requesting to attend a school shall submit their request to their Supervisor using the electronic training request program.

1. The employee will check the waiver box of the ETR request form for the school requested, if he/she is waiving the 28 day advance notice and willing to accept adjusted days off for time at school on their normal days off.

(b) The supervisor will review and assess the training request. The approved requests will be approved and forwarded to the Division Commander via chain of command.

(c) The Division Commander will approve or deny the request. If the request is denied, the Division Commander will reject the request. If the request is approved, the Division Commander will forward the request to the Training Bureau.

(d) The Training Bureau will schedule the approved training and forward the ETR to the Support Services Commander. In the event that the employee cannot attend scheduled training, it is his/her responsibility to notify the Division Commander, Training Bureau, and Accounting & Finance. Employees may only be excused from scheduled training with prior Division Commander approval.

(e) The employee will receive a supplemental notification by Accounting & Finance approximately two (2) weeks in advance of the school that he/she is to attend. This notification will include lodging, cash advance and transportation information.

(f) The employee will submit the expense form and class evaluation form to their supervisor within one (1) week after returning from school.

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Electronic Mail

207.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. Email 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). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

207.2 EMAIL RIGHT OF PRIVACY

All email 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 email system or that is stored on any department system.

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

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

207.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email 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 designee. Personal advertisements are not acceptable.

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

207.4 EMAIL RECORD MANAGEMENT

Because the email system is not designed for long-term retention of messages, email 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 email are solely responsible for the management of their mailboxes.

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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 users' inboxes.

Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

207.5 COMPLIANCE WITH CITY POLICY

Members of the Riverside Police Department, in addition to this policy, are also required to adhere to the City of Riverside Technical Resources Use and Monitoring Policy.

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Administrative Communications

208.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

208.2 PERSONNEL ORDER

Personnel Orders may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

208.2.1 GENERAL ORDER

A General Order is a written directive, requiring compliance, that applies to all members of the Department.

208.2.2 SPECIAL ORDER

A Special Order is a written directive, requiring compliance, that establishes a temporary policy or procedure on a given subject for a specific amount of time.

208.2.3 PERSONNEL ORDER

A Personnel Orders is a writen communication announcing and documenting all promotions, hiring of new personnel, separations, personnel and group commendations, or other chnages in status.

208.2.4 DEPARTMENT POLICIES AND PROCEDURES

Department Policies and Procedures are written methods of operation, requiring compliance, that generally apply to all members of the Department.

208.2.5 INFORMATION BULLETIN

An Information Bulletin is a written communication of an informational nature provided to members of the Department.

208.2.6 TRAINING BULLETIN

A Training Bulletin is a written communication regarding a variety of topics provided to members of the department for training purposes.

208.3 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 element of the Chief of Police. Personnel should use Department letterhead only for official business and with approval of their supervisor.

208.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Division Commander.

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208.5 DEPARTMENT ORDERS

208.5.1 GENERAL AND SPECIAL ORDERS

(a) General Orders and Special Orders will be approved and issued only under the title and authority of the Chief of Police. Orders are to be disseminated to all sworn and affected non-sworn personnel when immediate changes are necessary.

(b) All General Orders and Special Orders will carry an expiration date, unless:

1. The Order is self-canceling by its nature; or
2. The Order effects a long-term change in a Department policy or procedure.

(c) It will be the responsibility of the author of any General Order or Special Order effecting a long-term change to initiate a revision of the appropriate Department Policy or Procedure within 30 days or to write a new one when necessary.

(d) General Orders and Special Orders will be issued on the Department's "General Order" and "Special Order" forms.

(e) The body of the message should be brief and contain only the essential elements of the directive.

(f) The Personnel Services Bureau will number General Orders and Special Orders by year and numerical order and will maintain the master copy approved by the Chief of Police.

(g) Commanding Officers will be responsible for dissemination of all General and Special Orders to all personnel within their command and maintain a master file for one year in an accessible location.

(h) It will be the responsibility of the author of any General or Special Order to initiate a revision of the appropriate Department procedure or policy when necessary.

(i) The signature block on all General and Special Orders shall be justified at the left-hand margin and shall be:

- Sergio Diaz
- Chief of Police

(j) The initials of the person signing, the author, and the typist shall appear below the signature block at the left-hand margin. The initials of typist shall be in lowercase and each set of initials will be separated by a slash (/).

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Staffing Levels

209.1 PURPOSE AND SCOPE

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

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License to Carry a Firearm

210.1 PURPOSE AND SCOPE

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

210.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police department from entering into an agreement with the Sheriff of the county 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).

210.2 POLICY

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

210.3 QUALIFIED APPLICANTS

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

(a) Be a resident of the City of Riverside (Penal Code § 26150; Penal Code § 26155).

(b) Be at least 21 years of age (Penal Code § 29610).

(c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.

(d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.

(e) Be of good moral character (Penal Code § 26150; Penal Code § 26155). The applicant should provide at least three letters of character reference.

(f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).

(g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.

(h) Provide proof of ownership or registration of any firearm to be licensed.

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(i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).

(j) Complete required training (Penal Code § 26165).

210.4 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.

210.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

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

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

2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:

(a) Require the applicant to complete the package before any further processing.

(b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.

(c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

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

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

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

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

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

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

210.4.2 PHASE TWO

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

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

1. The determination of good cause should consider the totality of circumstances in each individual case.
2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).

(b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

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

(d) The applicant shall submit any firearm to be considered for a license to the Rangemaster 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 Rangemaster, 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.

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

210.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

210.6 ISSUED FIREARMS PERMITS

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

(a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).

2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

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(b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.

1. Each license shall be numbered and clearly identify the licensee.
2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.

(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.

210.6.1 LICENSE RESTRICTIONS

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

1. Consuming any alcoholic beverage while armed.
2. Falsely representing him/herself as a peace officer.
3. Unjustified or unreasonable displaying of a firearm.
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.

210.6.2 AMENDMENTS TO LICENSES

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

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

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

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

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

210.6.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Chief of Police for any of the following reasons:

(a) The licensee has violated any of the restrictions or conditions placed upon the license.

(b) The licensee becomes psychologically unsuitable to carry a firearm.

(c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.

(d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.

(e) If the license is one to carry “loaded and exposed,” the license shall be revoked immediately upon a change of the licensee’s place of residence to another county (Penal Code § 26210).

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

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

210.6.4 LICENSE RENEWAL

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

(a) Verifying all information submitted in the original application under penalty of perjury.

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(b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).

(c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

(d) Paying a non-refundable renewal application fee.

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

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

210.7 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Chief of Police shall maintain a record of the following and immediately provide copies of each to the California DOJ:

(a) The denial of a license

(b) The denial of an amendment to a license

(c) The issuance of a license

(d) The amendment of a license

(e) The revocation of a license

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

210.8 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 public record (Government Code § 6254(u)(2)).

Any information in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

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Retiree Concealed Firearms

211.1 PURPOSE AND SCOPE

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

211.2 POLICY

It is the policy of the Riverside Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

211.3 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. For the purposes of this policy, good standing is defined by the department as having qualified for and accepted a service or disability retirement. It shall not include any officer who retires in lieu of termination.

(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.

211.3.1 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 Riverside 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.

211.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

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

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1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

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

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

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

211.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

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

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

211.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

(a) A photograph of the retiree.

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

(c) The date of retirement.

(d) The name and address of this department.

(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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211.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION
The Riverside 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.

211.4.3 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).

211.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Watch Commander 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.

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

(a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.

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

(c) Not engage in conduct that compromises public safety.

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

211.6 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.

211.7 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

A CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety.

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

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

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

1. The decision of such hearing board shall be binding on the Department and the retiree.
2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."

(d) Members 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.

1. 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).
2. 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.
3. 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.

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(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.

4. 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.

211.8 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

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Police Building Security

212.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the appropriate police building security procedures, duties and responsibilities so as to ensure the safety of all employee of the Riverside Police Department.

212.2 POLICY

The safety of employees of the Riverside Police Department is paramount; therefore, all building security measures will be strictly enforced.

212.2.1 EMPLOYEES

(a) All employees of the Riverside Police Department are required to use their Honeywell card to enter buildings where the Honeywell system is utilized.

(b) While inside Riverside Police Department buildings, all employees are required to wear visible identification both on and off duty. For purposes of this policy, identification is a department badge or department-issued photo identification.

212.2.2 VISITORS

At Riverside Police Department buildings equipped with community rooms, which are open to the public, no identification will be required of visitors that are coming solely for the purpose of convening for a meeting at these community rooms.

Other visitors at all Riverside Police Department buildings must be issued a Visitor Identification Badge and /or wear on their outermost clothing an authorized identification badge/card. These visitors will be processed through the front counter/reception area when they arrive and leave the building.

Employees who enter the building with an accompanying visitor must present the visitor to the front counter/reception area for processing prior to entry. No one should be on the premises without a Visitor Identification Badge.

The front counter/reception area will have the following responsibilities:

(a) Front counter/reception area will maintain a "Visitor Log." All visitors will sign in stating the purpose of their visit, the name of the employee they will be visiting, and the time of arrival.

(b) Determine that the person is authorized to enter the police facility.

(c) A "Visitor Identification Badge" must be issued for entry/security purposes. A visitor will be categorized under one of the following three (3) categories and will be issued a distinct badge type:

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1. City Employee (CE): A City employee who is not a member of the Police Department, who is visiting a Riverside Police Department building will be issued the "CE" type of identification badge and MAY be escorted by an employee if necessary. EXCEPTION: City employees who have been cleared and issued access with a Honeywell/City ID card as authorized by the Riverside Police Department are exempt from the requirement to be escorted at all times. (Examples of City employees who are eligible for this exemption are employees from the City Attorney's Office, Information Systems, mail deliveries, and maintenance personnel who routinely and regularly perform work in Police facilities.)
2. Law Enforcement Officer (LE): Law enforcement officers will sign the Visitor Log at the front counter/reception area and will be required to wear their law enforcement badge and/or identification card on their outermost garment. Law enforcement officers will NOT require an escort.
3. Visitor (V): All other visitors will be issued and required to wear the "V" type of identification badge on their outermost garment, and MUST be escorted at all times by an employee.
4. Training: Persons who are visiting a police facility for the purpose of conducting or attending training will be required to sign in and will be issued a training identification badge, which shall be worn on their outermost garment while inside the police facility. Those attending training will retain the badge until their training is concluded, and will not be required to sign in and out each time they enter or exit the facility.

(d) Obtain an article of identification from the visitor, preferably a driver's license or identification card, so as to insure the Visitor Identification Badge will be returned. (Do not take any article of high value - no purses, wallets, rings, watches, etc.)

(e) Place the visitor's article into the designated safekeeping area.

(f) Issue the appropriate Visitor Identification Badge type to the visitor.

(g) If applicable, assure the visitor will be escorted to and from the appropriate location by the contacted employee (or a designated employee of that same Bureau.) Visitors must use the in-house lobby telephone or receptionist to contact the employee they are visiting.

(h) Once the visitor has completed their business, the Visitor's Identification Badge will be retrieved and their personal identification will be returned.

(i) Exceptions to the check-in requirement may be made when necessary by administration or supervision.

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Officers are expected to question individuals without proper identification. Civilian employees shall immediately notify a supervisor, or an officer, of any suspected unauthorized persons in a police building.

212.2.3 EXTERIOR DOORS

Exterior station doors will not be propped open for any reason. This includes situations when an employee is outside and adjacent to the door. When a vendor is making a delivery at a building, a supervisor of the Bureau the vendor is visiting will assign an employee to remain at the door. After the delivery has been made, the employee will secure the door. Regular station vendors, such as Bio-Tox, will be issued Honeywell cards and will be directed to secure the door after entering the building.

212.3 MAGNOLIA COMMUNITY ROOM

Because of the unique security concerns affiliated with any police facility, and to ensure the safety of department employees and the public, the Magnolia Community Room, located on the first floor of the Magnolia Police Station, adjacent to the lobby, is not open for public use.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and 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).

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

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situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be 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, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. 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. 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.

(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 (Penal Code § 835a).

(e) The effects of 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).

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

(l) Training and experience of the officer.

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

(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is 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 contacts with the subject or awareness of any propensity for violence.

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to proposed legislative changes, department use of the carotid control hold is suspended, pending the final outcome of the legislation.

This does not preclude an officer from using any means and resources available, under circumstances when deadly force is necessary to protect him/herself or others from what he/she

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reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person (see Policy Section 300.4).

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

300.4 DEADLY FORCE APPLICATIONS

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

(a) An officer may use deadly force to protect him/herself or others from what he/she 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. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Officers shall not use deadly force against a person based on the danger that person poses to him/herself, 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).

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. Officers should 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

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reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

Any application of force used by an Officer shall be reported to a supervisor as soon as practicable.

300.5.2 REPORTABLE USE OF FORCE ADMINISTRATIVE REVIEW

Supervisors shall be required to complete an administrative review of the application of force used by an officer when;

(a) The application of the force used by the officer appears to have caused physical injury to the suspect or required medical assistance.

(b) The application of the force by the officer included personal body weapons, a chemical irritant, electronic control device, carotid restraint, baton or firearm.

(c) The application of force by the officer appears to have rendered the suspect unconscious.

300.5.3 WARNING SHOTS

Warning shots are strictly prohibited. Shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective, and reasonably safe.

300.5.4 REPORT OF WEAPON DISCHARGE

Except during training or recreational use, any member who discharges a weapon accidentally or intentionally, on or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If on-duty at the time of the incident the member shall file a written report with his/her Division Commander prior to the end of shift and if off-duty, as directed by the supervisor but no later than the end of the next regularly scheduled shift.

300.5.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Records Bureau Manager or the authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use

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of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

300.6 MEDICAL CONSIDERATION

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

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

A supervisor shall respond to an incident in which there has been a reportable use of force, and the supervisor is expected to:

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

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

(c) 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 supplemental police 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.

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to document any training issues within the Early Warning System.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

300.9 USE OF FORCE ANALYSIS

At least annually, the Field Operations Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Debriefing of Critical Incidents

301.1 PURPOSE AND SCOPE

To establish a uniform procedure for critical incident debriefing; define the roles and responsibilities for the debriefing; for completion of an after action report; and the distribution of applicable training materials.

It shall be the policy of the Department to conduct a debriefing of any critical incident. An after action report will be prepared by the commanding officer in charge of the critical incident and forwarded to the Chief of Police for the purposes of developing a training needs assessment, and dissemination of lessons learned.

301.2 DEFINITIONS

(a) **After Action Report:** The report summarizing the chronology of the critical incident as well as an analysis of the tactics, equipment, communication, cooperation, and level of preparedness of participants. The After Action Report is intended to identify strengths, weaknesses, recommended improvements and relevant training for department personnel. The report should accurately define what occurred or did not occur with regard to a particular incident.

(b) **Debriefing:** The after-action process of discussion and reconstruction of a critical incident with the goal of providing a record of lessons learned and encouraging continuous improvement in organizational and individual performance.

(c) **Lethal Force:** The term "lethal force" means lethal force as defined in the Riverside Police Department Use of Force policy.

(d) **Critical Incident:** For purposes of this section, critical incident is defined as:

1. Any incident involving the use of lethal force by department personnel.
2. Any unplanned occurrence, event, or disaster which threatens the peace or safety of the community.
3. Any planned or unplanned event which requires the implementation of the law enforcement incident command structure to manage assets and response.
4. Any other incident which requires the use of significant department assets or which is deemed to be significant by the Chief of Police or commanding officer for that incident.

301.3 PROCEDURE

(a) Immediately following the incident, the Watch Commander, or command level officer with responsibility for the incident, shall preside over a debriefing unless he/she determines the debriefing would be duplicative of a recent and similar event, or

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that some other reasonable justification exists for not debriefing. In making this determination, the following shall be considered:

1. The type and seriousness of the incident.
2. The potential to activate, or the actual activation of, the Incident Command System (ICS).
3. The utilization of other City departments or other agencies.
4. The potential to derive information from the incident which may be of value in providing training for future incidents.

(b) The debriefing shall be conducted immediately after the event, if possible, or within 48 hours and shall include, to the extent possible, input from the following components of the incident:

1. All personnel actually involved in the incident.
2. Representatives from all components of the ICS, if activated.
3. Representative(s) from any other City department(s) utilized.
4. Representative(s) from any other agencies utilized.
5. Others as deemed appropriate and relevant to the debriefing.

(c) The purpose of the debriefing shall be to identify ways in which the Department's response to incidents may be improved and to identify potentially relevant training. The debriefing shall not supersede, or substitute for, any other investigation or report required by law or policy. The debriefing shall include discussion of, but is not limited to:

1. **Initial response factors:**
   (a) Contingency plan(s)
   (b) Existing staffing levels - City status at onset of event
   (c) Communications preparedness
   (d) Call-out protocol
   (e) Cooperation
2. **Incident Management:**
   (a) Incident Command System
   (b) Call Outs
   (c) Press Information
   (d) Police services - Non incident related
   (e) Notifications

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(f) Relief

(g) Other agency resources

(h) Return to normal services

3. **Tactics:**

(a) Perimeters

(b) Security

(c) Evacuation

4. **Communications:**

5. **Equipment:**

(d) The Watch Commander or command level officer presiding over the debriefing of a critical incident must consider that personal liability and/or discipline may result from a criminal and/or administrative investigation of the incident, and may excuse personnel from the debriefing on this basis. Critical incident debriefings should not include discussion of department policy, or the assignment of policy definitions to the action(s) of participants.

(e) Within fifteen (15) calendar days, the Watch Commander, or command level officer with responsibility for the incident, shall prepare and submit an after action report, through the chain of command, to the Office of the Chief of Police. This report shall summarize the information received in the debriefing, identify relevant response, management, tactical, equipment, communications or training issues and recommend improvements for responses to future incidents. The after action report shall not supersede, or substitute for, any other investigation or report required by law or policy and shall not intrude into areas of law or policy. The report shall be prepared using the incident number assigned by dispatch.

(f) The Chief of Police shall cause the after action report to be reviewed by command staff for the purpose of analyzing the strategy(s) utilized and identifying relevant training and/or equipment needs. A training needs assessment should be forwarded to the Personnel and Training Bureau within fifteen (15) calendar days of receipt of the after action report.

(g) The Personnel and Training Bureau shall, within thirty (30) days, develop an appropriate training document and/or curriculum for distribution to all personnel.

(h) Each Division of the Department shall incorporate the training into their regular training schedule in accordance with the Riverside Police Department Roll Call Briefing policy.

(i) Any time limit described above may be extended, for cause, by the Chief of Police or his designate.

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(j) This evaluative or deliberative process is intended to foster freedom of expression among Department personnel involved in incidents for the purpose of enhancing future Department responses, decision making and policy formulation. Consequently, all personnel involved in debriefings shall treat the information as confidential and not subject to disclosure except by order of the Chief of Police.

301.4 RETENTION OF REPORTS AND TRAINING CURRICULA

All reports and training curricula developed pursuant to this section shall be retained by the Training Bureau, in compliance with law and/or policy.

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Emergency Medical Services Response

302.1 PURPOSE AND SCOPE

To establish a uniform procedure for the dispatching of emergency medical services.

302.2 GENERAL PROVISIONS

(a) The Fire Department is responsible for providing first level emergency medical care in the City and shall be notified immediately of all requests for medical emergency services.

(b) If police are first on the scene, they will remain until relieved by fire or ambulance personnel, even when no police jurisdictional investigative interest exists.

302.3 STATION INITIATED RESPONSES

(a) The Public Safety Dispatch Center shall immediately be notified of all requests for emergency medical care. This should include, but is not limited to, illnesses or injuries including possible injuries, reported to this Department.

(b) Medical aid responses may be initiated by either the Fire or Police department.

(c) In cases where the Riverside Police Department has a jurisdictional investigative interest, a Police Officer shall also be assigned and shall proceed directly to the location.

1. A police response shall be initiated to all reports of injury to children age 12 and under to determine whether a jurisdictional investigative interest exists.

302.4 POLICE FIELD INVESTIGATIVE RESPONSES

If the request for medical services originates from police personnel in the field, appropriate medical aid response shall be immediately initiated by the Public Safety Dispatch Center.

As a reminder, whenever a situation arises where an officer is in control of a person exhibiting a medical condition requiring immediate medical care, or information has been received that would indicate the potential for a medical condition (i.e., internal injuries, ingestion of hazardous substance, etc.), the officer shall request medical assistance as a precautionary measure. Even where the person refuses medical assistance, the officer shall summon medical assistance, despite such refusal.

Riverside Fire Department (RFD) is in possession of Medical Aid/Refusal forms should the person refuse medical aid after RFD has responded.

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Public Review of Officer Involved Deaths

303.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a general guideline for the release of police records to the Citizens' Police Review Commission (CPRC), specific to public reviews of Officer-Involved Deaths (OID).

Final determination regarding the release of records is at the discretion of the Chief of Police or designated Chief Officer. The decision to release police records is fact-specific, and is made on a case-by-case basis. This policy is not intended to supersede or abrogate the Chief's discretion.

303.2 DOCUMENTS SUBJECT TO RELEASE

Unless cause exists to withhold a particular document, records pertaining to the investigation will be made available to the CPRC for a Public Review of an Officer Involved Death investigation within 30 days of the issuance of a clearance letter from the District Attorney.

303.3 DOCUMENTS SUBJECT TO REDACTION

Documents or records ordinarily subject to release may be redacted to the extent that they contain information of a confidential nature (CA Govt. Code §6254), including but not limited to:

(a) Names of Juveniles

(b) Names of Victims of Domestic Violence

(c) Names of Victims of Sex Crimes

(d) Personal or Confidential information, including:

1. Driver License Number
2. Social Security Number
3. Date of Birth
4. Address
5. Phone Number

(e) Crime Scene Photographs - Crime scene photographs will be released subject to appropriate redactions to censor disturbing or confidential subject matter.

(f) Digital Audio Recordings - Digital audio recordings will be released depicting all relevant, non-confidential subject matter related to the OID investigation.

(g) Digital COBAN Audio - The audio portion of any COBAN video relevant to the incident will be released under the same restrictions as Digital Audio Recordings.

303.4 DOCUMENTS NOT SUBJECT TO RELEASE

The following documents will NOT be made available to the CPRC for a Public Review of an Officer Involved Death investigation:

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(a) Information from the Caliornia Law Enforcement Teletype System (CLETS). (CA Govt. Code. §15165, CLETS PPP §1.6.4)

(b) Coroner's Photographs (CA Code of Civil Procedure §129)

(c) Records or documents not subject to release in accordance with CA Govt. Code §3300 et. seq., including:

1. Executive Summaries
2. After Action Reports
3. Routing Sheets
4. Internal E-mails
5. Tracking Information
6. Employee Histories
7. Admonitions of Rights
8. Photos of Officers not subject to release
9. Other records and documents determined to be personnel records

(d) Any information which could serve to compromise Officer Safety, or jeopardize a current or ongoing investigation (CA Govt. Code §6254)

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Handcuffing and Restraints

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

The Riverside 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.

304.3 USE OF RESTRAINTS

Only members who have successfully completed Riverside 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.

304.3.1 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.

304.3.2 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 self 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).

304.3.3 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.

304.3.4 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.

304.4 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.

304.5 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 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 provide assistance during the movement of a restrained person due to the potential for impairing or

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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 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.

304.6 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.

304.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

304.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

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(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).

304.8 TRAINING

Subject to available resources, the Training Bureau Manager 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.

(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.

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Control Devices and Techniques

305.1 PURPOSE AND SCOPE

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

305.2 POLICY

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

305.3 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.

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.

305.4 RESPONSIBILITIES

305.4.1 WATCHCOMMANDER 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.

305.4.2 RANGEMASTER RESPONSIBILITIES

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

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

305.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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

305.5 BATON GUIDELINES

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

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

(a) The straight baton, made of wood, with a dark finish.

(b) The collapsible baton.

305.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. The Incident 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.

305.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray 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. 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.

305.7.1 OC SPRAY

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

305.7.2 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.

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305.8 POST-APPLICATION NOTICE

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

305.9 KINETIC ENERGY PROJECTILE (LESS LETHAL) 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.

305.9.1 DEPLOYMENT AND USE

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

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

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

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

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

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

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

305.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject's proximity to others.

(e) The location of the subject.

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

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

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

305.9.3 SAFETY PROCEDURES

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

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

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When practicable and prior to deploying the kinetic energy projectile shotgun, the primary officer along with a second officer will visually inspect the shotgun and kinetic energy projectiles to ensure that conventional ammunition is not loaded into the shotgun.

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

305.10 TRAINING FOR CONTROL DEVICES

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

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

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

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(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

305.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

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Taser

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

306.2 POLICY

The TASER® device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects. In deciding whether or not to use a Taser, officers must consider the severity of the crime, if any, whether the subject poses an immediate threat to his or her own safety, the safety of officers or other persons, and whether the subject is actively resisting arrest or attempting to evade arrest by flight.

306.3 ISSUANCE AND CARRYING TASER DEVICES

Only officers who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during an officer's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

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

Officers carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon. No cross draw configuration.

(a) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

(b) Officers should not hold both a firearm and the TASER device at the same time.

306.4 VERBAL AND VISUAL WARNINGS

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

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

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

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

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

306.5 USE OF THE TASER DEVICE

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

306.5.1 APPLICATION OF THE TASER DEVICE

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

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

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

306.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device 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 risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with known heart conditions.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally 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.

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

306.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

306.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

306.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject’s skin.

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

306.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices 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.

306.6 DOCUMENTATION
Officers shall document all TASER device discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. A supervisor shall respond and complete an administrative memo documenting any accidental TASER discharges.

306.6.1 REPORT DOCUMENTATION
Items that shall be included in the use of force report are:

(a) The type and brand of TASER device and cartridge and cartridge serial number.

(b) Date, time and location of the incident.

(c) Whether any display, laser or arc deterred a subject and gained compliance.

(d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the TASER device was used.

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

(m) Identification of all witnesses.

(n) Medical care provided to the subject.

(o) Observations of the subject's physical and physiological actions.

(p) Any known suspected drug use, intoxication or other medical condition.

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The Force Training Unit should periodically analyze the use of force reports for Taser deployments to identify trends, including deterrence and effectiveness. This information should be considered in designing training for the department or individual officers as appropriate.

306.7 MEDICAL TREATMENT

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

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

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

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

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

306.8 SUPERVISOR RESPONSIBILITIES

Supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. Supervisors shall respond to calls whenever a TASER device has been deployed.

A supervisor shall review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory shall be downloaded through the data port by a supervisor and saved with the related arrest/crime report prior to the end of the shift. Supervisors shall ensure photographs of probe sites are taken and witnesses are interviewed.

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Supervisors shall synchronize and inspect tasers issued to their squads at shift changes and Daylight Savings time changes.

306.9 TRAINING

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

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

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

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

The Training Bureau Manager is responsible for ensuring that all Officers who carry TASER devices have received initial and regular continuing proficiency training. Periodic audits should be used for verification.

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

The Training Bureau Manager should ensure that all initial and CIT training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws 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 near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER device.

(h) Deployment of training cartridges during initial training.

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Investigations of Officer Involved Shootings and Incidents Where Death or Serious Likelihood of Death Results

307.1 POLICY

The following procedures shall be followed when a member of this Department, whether on or off duty, or any member of any law enforcement agency, uses, or attempts to use, deadly force through the intentional or accidental use of a firearm or any other instrument in the performance of his/her duties or is otherwise involved as a principal or witness in an incident where death or serious likelihood of death results. A member is considered a principal for the purposes of this policy if he/she participates in and/or is otherwise physically involved in the incident. A member is considered a witness if they observed the incident but had no direct involvement. Such incidents include, but are not limited to:

(a) Intentional and accidental shootings;

(b) Intentional and accidental use of any other deadly or dangerous weapon;

(c) Attempts to affect an arrest or otherwise gain physical control over a person for a law enforcement purpose; and,

(d) Deaths of persons while in police custody or under police control following a use of force.

307.2 PROCEDURES

(a) Whenever an employee of this Department uses, or attempts to use, deadly force through the intentional or accidental use of a firearm or any other instrument in the performance of his/her duties, or is otherwise involved in an incident where death or serious likelihood of death results as defined above, he/she shall immediately notify his/her supervising officer.

(b) The supervisor shall notify the Watch Commander without unreasonable delay.

(c) The Watch Commander shall notify the on-call Sergeant. The on-call Sergeant shall notify the Centralized Investigations Bureau Lieutenant (or Captain in his/her absence). The Centralized Investigations Bureau Lieutenant will determine if a response by the Centralized Investigation Bureau detectives is necessary. If so, the Centralized Investigations Bureau Lieutenant will notify the Robbery/Homicide Sergeant who will respond Centralized Investigations Bureau detectives.

(d) If an employee discharges a firearm, or uses other deadly force, or is otherwise involved in an incident where death or serious likelihood of death results outside the Riverside City limits, the employee shall immediately notify the local law enforcement agency having jurisdiction where the incident occurred. As soon as possible, the employee shall notify the Riverside Police Department Watch Commander. The Watch Commander will notify the on-call Sergeant and other personnel as designated in this policy. The on-call Sergeant shall make the notification as above in 307.2(c). If the

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incident occurs within Riverside County, the use of deadly force shall be investigated pursuant to the Riverside County Law Enforcement Administrator's protocol. In those cases outside the City of Riverside, the involved employee shall notify the Riverside Police Department Watch Commander as soon as possible and a written memorandum shall be filed with the Watch Commander without delay.

307.3 ROLES AND RESPONSIBILITIES

Personnel responding to an officer involved shooting or other deadly use of force incident or officer involved incident where death or serious likelihood of death results should recognize and adhere to the roles and responsibilities as listed below.

307.3.1 ROLES

(a) The Centralized Investigations Bureau will focus on all criminal aspects of the incident.

(b) The Riverside County District Attorney may be present to oversee the focus on all criminal aspects of the investigation and may conduct a parallel investigation.

(c) The Riverside Police Department Office of Internal Affairs may be present to review the actions of the Department personnel involved in the incident with respect to policies, procedures, tactics, training, equipment and any other relevant issues.

(d) The Riverside City Attorney may respond to the scene to review the case with regard to any potential civil liability to the City of Riverside and its officers.

(e) Peer Support Officers shall be called to provide employee(s) support and assistance in understanding the investigative process and to attend to the officer(s)' personal needs. The Watch Commander or Centralized Investigations Bureau Lieutenant will determine the appropriate time and place for peer support to respond. Although confidentiality within the Peer Support Program is provided under the Evidence Code, and the Riverside Police Department will not require Peer Support Officers to reveal confidential conversations with involved employees, Peer Support Officers are cautioned that a court may determine no privilege exists regarding immunity or communication between the Peer Support Officers and the involved employee(s).

(f) Psychological Services shall be called to assist the employee(s) involved with information on coping with psychological changes which can occur as a result of being involved in a critical incident. A licensed mental health professional afforded psychotherapist-patient privilege under the Evidence Code shall interview the employee(s) involved. The Watch Commander or Centralized Investigations Bureau Lieutenant will determine the appropriate time and place for post-incident psychological counseling. Employees may decline to discuss the specific facts of the critical incident with the psychological counselor.

(g) The Press Information Officer shall be summoned to the scene if necessary to act as a single source of information to the news media. The Centralized Investigations Bureau Lieutenant or his/her designee will brief the PIO as to information deemed appropriate for release. The PIO shall provide regular updates and a written press release to the news media when appropriate.

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(h) The Riverside Police Officers Association (RPOA) shall be notified of the critical incident whenever the ensuing investigation is handled by this department and the incident involves a member of the RPOA. In such cases, notification will be made by the Centralized Investigations Bureau Sergeant at the following RPOA telephone number: (951) 403-4657. Representative(s) of the RPOA will be permitted access to the involved officers at the scene and at the Centralized Investigations Bureau. RPOA will designate which representative(s) will respond. RPOA Representatives on duty shall be relieved of further duty with pay unless they are witnesses to or directly involved in the critical incident. RPOA Representatives will not unreasonably be denied access to the officers they are representing. No report will be required of RPOA Representatives. While the Police Department will not require RPOA Representatives to reveal communications with member officers they are representing, a court may determine that no privilege exists in criminal matters. Accordingly, officers are encouraged to obtain legal representation.

307.3.2 RESPONSIBILITIES

(a) Principal/Witnessing Employee Shall:

1. Provide care for all injured persons.
2. Request supervision and suitable assistance.
3. Secure the scene of the incident and protect it from alteration and contamination.
4. Apprehend offenders.
5. Brief the responding supervisor, providing a public safety statement to assist in identifying and/or locating the suspect, number of rounds fired, trajectory of rounds fired, information necessary to protect the crime scene, or information to protect the public and other officers from continuing harm of a fleeing suspect.
6. Ensure principal/witness officers, civilian witnesses and/or other involved persons (including police personnel) do not discuss the incident prior to being interviewed by the Centralized Investigations Bureau detectives.
7. Prepare an accurate and complete police report of the incident and have it approved by a supervisor. For principal and witness officers, the report may be prepared by furnishing a complete and accurate statement to police investigators, or by submitting a complete and accurate written report. Other involved employees will prepare a complete and accurate written report. Principal officers may prepare their report voluntarily during the criminal investigation or be compelled to make a report during the administrative investigation. If the Principal officer(s) chooses not to make a voluntary statement during the criminal investigation then no further questioning will be conducted by the criminal investigators and an interview will be scheduled with Internal Affairs. All reports should be prepared as soon as possible after the incident unless the employee is injured or emotionally unable to promptly make a police report. The Centralized Investigations Bureau Lieutenant will determine when the report will be prepared or the employee interviewed.

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8. Unless approval is granted by the Chief of Police or his/her designee, the principal and/or witness employee(s) shall not talk to the news media or anyone else regarding the incident or investigation until the entire criminal investigation is completed. Exceptions are: the interviewing detective and/or supervision from the Centralized Investigations Bureau, legal representatives, RPOA representative, Peer Counselor, a member of the clergy, or a psychological services provider.
9. Provide a blood sample, when a supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently, when administratively compelled, or when in compliance with the department's alcohol and drug testing policy.

(b) Field Supervision Shall:

1. Provide medical aid to any injured parties.
2. Take immediate charge of the scene. Establish a crime scene perimeter with a single point of entry and exit. Assign an officer to restrict access only to necessary police and/or medical personnel and to maintain a log of persons entering and exiting the crime scene.
3. Ensure preservation of the scene for investigators. Supervise Field Operations personnel and ensure they carry out assigned duties.
4. Make immediate inquiry into issues of public safety and scene security, i.e., including number of rounds fired, trajectories of rounds after discharge, and the description, location, or direction of travel of any outstanding suspects. No further questions will be asked of the principal employee(s).
5. Ensure that no items of evidence are handled or moved unless contamination or loss of evidence is imminent. If contamination or loss of evidence is likely, notation (or preferably a photograph) must be made of its location and condition before it is moved. Photographs will only be taken upon the express direction of a member of the Centralized Investigations Bureau or the Field Supervisor.
6. Assign an officer to accompany any injured persons to the hospital to:
   (a) Recover and secure any item of physical evidence.
   (b) Place suspect in custody if appropriate.
   (c) Record any spontaneous or other unsolicited statements.
   (d) Record information regarding medical condition and personnel treating the injured person.
7. Notify the Watch Commander.
8. Establish an appropriate command post.
9. Ensure that the weapons used are not handled by anyone at the scene. Safety should be paramount. Weapons in possession of the principal employee(s)

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should be left with the employee(s) until requested by Centralized Investigations Bureau detectives.

10. Arrange for the transportation of the principal and/or witness employee(s) from the scene to the Centralized Investigations Bureau, using uninvolved, on-duty personnel or Peer Support Officers to ensure they are not allowed to discuss the incident with other officers or employees.

11. Separate principal and witness employee(s) until such time as they meet with the Centralized Investigations Bureau detectives and/or supervisors assigned to the investigation for the purposes of providing an interview. Exceptions are: legal representatives, RPOA representative, Peer Support Officer, a member of the clergy, or a psychological services provider.

12. Ensure all witnesses are located and documented, including hostile witnesses.

13. Ensure that each employee present, excluding those directly involved in the incident, peer officers and RPOA representatives, completes a supplemental report before the end of shift. The report should include the employee's name, identification number, unit number, and specific actions at the scene. The completed report is to be submitted directly to the Centralized Investigations Bureau Supervisor.

14. Brief the responding Centralized Investigations Bureau detectives.

15. Notify the Press Information Officer if necessary. Provide an initial press release to the news media present if necessary. The information released shall be brief and generalized with absolutely no names released or confirmed. The PIO shall also prepare a written press release covering the same information previously released. Any subsequent media contact shall be the responsibility of the PIO or the Centralized Investigations Bureau Lieutenant or his/her designee.

(c) Watch Commander Shall:

1. Notify the on-call Sergeant.

2. Notify the employee's Division Commander.

3. Notify the Deputy Chief of Operations

4. Notify on-call Peer Support personnel and RPOA representative, and coordinate the response of the Psychological Services provider with the Centralized Investigations Bureau Lieutenant.

5. Ensure the presence of sufficient personnel to control the scene and to allow adequate police services for the remainder of the city.

6. Maintain or cause to be maintained an accurate account of police personnel involved in the incident and any employee(s) called to assist in providing basic police services.

7. Unless directed otherwise, conduct a debriefing of the incident and prepare the after action report as required by Riverside Police Department Debriefing of Critical Incidents Policy.

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8. Ensure that the necessary reports are completed in compliance with Riverside Police Department Use of Force Policy.

(d) Centralized Investigations Bureau Lieutenant Shall:

1. Notify and assign Robbery/Homicide Sergeant(s) to the investigation.
2. Notify the Investigations Division Commander of the investigation.
3. Notify the City Attorney.
4. Notify the Internal Affairs Lieutenant or appropriate Internal Affairs Sergeant in his/her absence.
5. Respond to the scene to assume command of the investigation and serve as liaison with Area Commanders, Division Commanders, Office of Internal Affairs, City Attorney, and the District Attorney's Office.
6. Provide the Press Information Officer with updated information that can be released to the media. In the absence of the PIO, the Centralized Investigations Bureau Lieutenant or his/her designee shall be the single release point for all press information and be responsible for preparing and distributing the written press release.
7. Ensure that public information concerning the findings and conclusions of the criminal investigation are not disclosed until the principal employee(s) have been first notified.
8. Schedule a debriefing at the conclusion of the initial investigation to ensure all aspects have been covered and to discuss considerations for improvement.
9. Ensure the completed investigation is submitted to the District Attorney's Office and attend the DA staffing of the investigation with the Centralized Investigations Bureau Sergeant and the case agent.
10. Ensure that the involved employee(s) meets with the Psychological Services provider.
11. Ensure that all Riverside Police personnel, including supervisors, complies with this Policy and that principal officers are afforded their procedural rights under the Public Safety Officers Procedural Bill of Rights and related laws.

(e) Centralized Investigations Bureau Detectives Shall:

1. Document, photograph, and collect all evidence at the scene. Photographs taken after the arrival of the Centralized Investigations Bureau detectives will be at their direction only.
2. Interview all victims, witnesses, suspects, or other involved persons. All interviews will be tape recorded unless impractical or the circumstances prevent it.
3. Advise the principal employee(s) of their Constitutional rights if there is a possibility of a criminal violation on the part of the employee(s) and when it is anticipated the case will be submitted to the District Attorney's Office for filing. If the principal employee(s) is advised of his/her Constitutional rights prior

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to writing or dictating a report or being questioned, and the employee declines to waive those rights, no further questioning will occur. Rights advisals are not required for employees who are solely witnesses and criminal prosecution will not occur.

4. Advise the principal or witness employee(s) that they may consult with a department representative or attorney prior to the interview taking place, and this department representative or attorney may be present during the interview.
5. Not be provided administratively compelled statement(s).
6. Notify a supervisor when they reasonably believe, based upon objective facts, that a principle or witness employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
7. Interview or question principal and/or witness employee(s) in an office or room not regularly used to interview suspects or civilian witnesses whenever possible. Officers shall not be interviewed in a suspect interview room or a room equipped to remotely monitor (audio and/or video) interviews. Injured officers shall not be interviewed at a hospital or medical care center unless circumstances require an emergency interview before the officer is released.
8. Notify and consult with the Deputy District Attorney concerning legal issues connected to the investigation.
9. Ensure all reports have been written and submitted in a timely manner.
10. Take custody of the principal employee's weapon(s) for submission to DOJ and range inspection.
11. Collect all police reports and related documents.
12. Submit the completed investigation to the District Attorney's Office and attend the DA staffing of the investigation with the Centralized Investigations Bureau Sergeant and Lieutenant.

(f) Centralized Investigations Bureau Supervision Shall:

1. Notify and assign Robbery/Homicide Detectives(s) to the investigation.
2. Notify the Centralized Investigations Bureau Lieutenant of the investigation.
3. Respond to the scene to assume supervision of the investigation from Field Operations.
4. Update the Centralized Investigations Bureau Lieutenant regarding the progress of the investigation.
5. Review and approve all police reports related to the incident.
6. Consider ordering principal and/or witness employee(s) to provide samples of blood when they reasonably believe, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently. All blood samples will be retained by the Riverside Police Department. All blood results will be sent directly to the

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Centralized Investigations Bureau Sergeant overseeing the investigation. Blood results will then be forwarded to the case agent.

7. Ensure the involved employee(s) meets with the Psychological Services provider.
8. Ensure principal employee's weapon(s) are taken and submitted to DOJ and the RPD Range for inspection, and that the principal employee(s) have replacement weapons.
9. Ensure the investigation is completed in a timely manner and submitted to the Centralized Investigations Bureau Lieutenant for review.
10. Not disclose public information concerning the findings and conclusions of the criminal investigation until the principal employee(s) have been first notified.
11. Ensure the completed investigation is submitted to the District Attorney's Office and attend the DA staffing of the investigation with the Centralized Investigations Bureau Lieutenant and the case agent.
12. Complete an executive summary and a debrief of the incident for the Chief of Police and the Executive Command Staff within 72 hours of the incident.

(g) No employee shall ever threaten, coerce, intimidate, or harass a principal and/or witness officer or his representative for: 1) exercising their rights under this Policy, the Public Safety Officers Procedural Bill of Rights Act, and any other protections afforded peace officers under the law; or 2) choosing to write a report rather than being interviewed. Violations of such rights or failing to comply with or afford the officer his rights and elections under this Policy shall be grounds for disciplinary action.

(h) Internal Affairs Shall:

1. Conduct an administrative investigation independent from the criminal investigation conducted by the Centralized Investigations Bureau detectives.
2. Inform the Chief of Police or his/her designee with regard to the information obtained in the course of their investigation.
3. Use information obtained from the Centralized Investigations Bureau investigation to aid the administrative investigation.
4. Not disclose information from a compelled interview by Internal Affairs investigators to the Centralized Investigations Bureau detectives.
5. Not conduct interviews with witnesses, suspects, principal and/or witness employees until after they have been interviewed by the Centralized Investigations Bureau detectives.

(i) Public Information Officer and Press Releases:

1. Refer to the Riverside Police Department News Release and Media Relations and Access Policy.

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307.4 RELIEF FROM DUTY

(a) In the best interest of the community, the Department and the principal employee(s), the employee(s) shall, as soon as practical, be relieved from active duty by the Watch or Division Commander or designee. The principal employee(s) may be placed on paid Administrative Leave status for a minimum of one day, during which time he/she shall be provided full salary and benefits. The principal employee(s) shall not be returned to full duty until such time as the Personnel Services Bureau has received a “clearance for return to full duty” from the department’s contracted psychological services provider. Once the clearance notification is received, the Personnel Services Bureau Lieutenant shall communicate this information to the Bureau Commander overseeing the employee’s bureau or assignment.

(b) At the discretion of the Chief of Police or his/her designee, those employees who witnessed the traumatic incident or otherwise assisted the principal employee(s) may also be placed on paid Administrative Leave status as described above.

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Firearms

308.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

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

This policy only applies to those members who are authorized to carry firearms.

308.2 POLICY

The Riverside 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.

308.2.1 OPEN CARRY

Non-uniformed sworn officers shall carry their department-approved duty firearm (9mm.) in a department-approved holster. The holster must be worn either on the hip or shoulder. If the holstered firearm is visible to the public, the police badge must be prominently and openly displayed either near the holster or on the outermost garment at chest level.Only sworn personnel assigned to the Special Investigations Bureau or Criminal Intelligence Bureau are exempt from this section.

308.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not 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, may not be carried by members in the performance of their official duties without the express written authorization of the member’s Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

308.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 17 or Model 19. Members assigned to specialized units may be issued other weapons at the discretion of the Chief of Police.

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308.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington M870 12 gauge. Members assigned to specialized units may be issued other weapons at the discretion of the Chief of Police.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle, maintained in "Unit Ready Condition," with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer, and the safety in the off position.

308.3.3 PATROL RIFLES

A patrol rifle is an authorized weapon which is purchased by an officer and may be carried by properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the Department Rangemaster.

An officer may only purchase one personally-owned patrol rifle. The Chief of Police may authorize an additional purchase under certain circumstances. If an officer wishes to replace an existing patrol rifle, he/she is required to do one of the following with the patrol rifle:

(a) Legally sell the patrol rifle.

(b) Turn the patrol rifle into local law enforcement for destruction.

(c) Convert the patrol rifle to make it compliant with current California law and deregister the firearm as an assault weapon with the California Department of Justice.

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, may be used by officers in their law enforcement responsibilities. Personally-owned rifles to be carried on-duty must be authorized by the Chief of Police, and inspected and approved by the Rangemaster.All patrol rifles shall be inspected annually by the Rangemaster and are thereafter subject to inspection by a supervisor, Rangemaster, or Armorer at any time. All patrol rifles shall be chambered in the 5.56mm NATO round.

The patrol rifle must be factory assembled and may not be modified, except for the addition of Department approved accessories. The bolt carrier group and the fire control system are among the parts that shall not be modified from the factory specification. Only the manufacturer or the Department Rangemaster is authorized to repair or modify a personally-owned patrol rifle.

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a potentially deadly force situation that is beyond the maximum effective range of the duty pistol, and/or duty shotgun.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

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(d) When an officer reasonably believes that a suspect may be wearing body armor.

(e) When requested by a supervisor.

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a unit ready condition until deployed. A rifle is considered in a unit 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 loaded magazine is inserted into the magazine well.

When not in use, patrol rifles will be safely stored by the individual officer who owns the rifle. Any officer carrying a patrol rifle will be recorded on the Daily Patrol Roster.

California Penal Code section 30605(a) makes it a crime for a person to possess any assault weapon in the State of California. California Penal Code section 30630(a) authorizes a sworn peace officer to purchase and possess an assault weapon in the State of California while in the performance of his/her duties, and off duty. There is no exception in the California Penal Code for an honorably retired law enforcement officer.

Federal and California firearms laws are constantly changing and evolving. In the event a Department employee legally purchased an assault weapon while employed as a sworn law enforcement officer, it is the retiring officer's responsibility to become compliant with California Law. These laws may require the retiring officer to:

(a) Legally sell the patrol rifle.

(b) Turn the patrol rifle into local law enforcement for destruction.

(c) If the retiring employee is moving out of state, the patrol rifle can be moved out of state.

(d) Convert the patrol rifle to make it compliant with current California law and deregister the firearm as an assault weapon with the California Department of Justice.

308.3.4 PERSONALLY OWNED DUTY FIREARMS

Personally-owned weapons to be carried on-duty must be authorized by the Chief of Police, and inspected and approved by the Rangemaster. The Rangemaster will maintain a list of authorized weapons. Members are encouraged to consult the Rangemaster prior to purchasing a weapon for on-duty use. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department list of approved firearms.

(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

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

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

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308.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order and on the department list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

308.3.6 AUTHORIZED OFF-DUTY FIREARMS

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 and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.

(d) It will be the responsibility of the officer to submit the firearm to the Rangemaster for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

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

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(f) The officer will successfully qualify with the firearm prior to it being carried and thereafter shall train in accordance with the department firearms training schedule. The range qualification dates will be specified by the Rangemaster.

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

(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, off-duty, officers shall carry their department identification.

308.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's first scheduled firearms qualification of the year. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

308.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

308.4.1 REPAIRS OR MODIFICATIONS

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

The Rangemaster 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 Rangemaster must be approved in advance by the Rangemaster and accomplished by a department approved gunsmith.

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

308.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

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308.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

308.4.4 OPTICS OR LASER SIGHTS

Laser Sights are only authorized for use by officers on secondary/back-up weapons, and only in those situations where their primary weapon is inoperative, or unavailable. Additionally,SWAT certified personnel are authorized to use the infrared Insight Technology PAQ-4C laser sight attached to the department issued Colt Commando rifle.

With the exception of SWAT certified officers utilizing the Insight Technology PAQ-4C, laser sights are not authorized for use on any primary weapon used in a uniformed or non-uniformed assignment.

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

Once approved laser sights have been properly installed on any weapon an authorized weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved 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.

308.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except under Rangemaster supervision.

(c) Members 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) Members 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 or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

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(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or Rangemaster for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

308.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

308.5.2 STORAGE AT HOME

Members shall not permit department-issued firearms to be handled by anyone who is not authorized by the Department to do so.

Members shall be in compliance with Penal Code § 25100.

308.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

308.5.4 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 § 16850; 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).

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308.6 FIREARMS TRAINING AND QUALIFICATIONS

All sworn personnel are required to train bi-monthly with their duty weapon and annually with their off-duty weapon and secondary weapon on an approved range course. The Rangemaster shall keep accurate records of bi-monthly training, repairs, maintenance, training or as directed by the Training Bureau Manager. In addition to regular training schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 16-hour basic patrol rifle user's course and qualification score with a certified Riverside Police Department Firearms Training Unit patrol rifle instructor. Officers shall thereafter be required to successfully complete quarterly training and qualification conducted by a certified patrol rifle instructor from the Riverside Police Department.

Any officer who fails to qualify at two consecutive sanctioned training/qualifications sessions, within a calendar year, will no longer be authorized to carry the patrol rifle without successfully qualifying with a certified Riverside Police Department Firearms Training Unit Patrol Rifle Instructor. In the event that a certified rifle instructor deems the officer cannot qualify within a reasonable amount of attempts, the officer will no longer be authorized to carry the patrol rifle without successfully retaking the 16-hour basic patrol officers user’s course and qualification.

308.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any officer is unable to train for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall notify his/her immediate supervisor and request to be excused from the scheduled training prior to the end of the required shooting period. Division Commanders shall approve all absences from mandatory firearms training of personnel assigned to their divisions. Officers shall complete all firearm training requirements upon their return to work without restrictions.

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

Sworn employees 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) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained

(c) No range credit will be given for the following

1. Unauthorized range make-up
2. Failure to qualify after remedial training

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308.7 FIREARM DISCHARGE

308.7.1 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, TASER device, 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.

308.7.2 INJURED ANIMALS

An officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Animal control should be notified regarding injured dogs and cats found without their owners.

308.7.3 WARNING AND OTHER SHOTS

Warning shots are strictly prohibited. Shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

308.7 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Bureau Manager after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

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

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member 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 member is authorized to carry.

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The Rangemaster shall complete and submit to the Training Bureau Manager 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 member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Bureau Manager.

308.9 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):

(a) 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.

(b) Officers must carry their Riverside 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 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 license, passport).

(c) The Riverside Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Riverside 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.

(d) 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.

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

(f) 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.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) 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.

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(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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

308.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry his/her Riverside Police Department identification card whenever carrying such firearm.

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

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

(d) 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.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

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Early Warning System (EWS)

309.1 PURPOSE AND SCOPE

To establish and define the procedures and responsibilities for the tracking and review of reportable incidents and to identify patterns of behavior that warrant intervention.To provide an array of timely non-disciplinary, corrective steps to remedy any incipient problems or deficiencies in performance, policy, strategy, or tactics.

The Department will review all allegations involving personnel complaints, violations of department policy and other incidents described within this policy. The Early Warning System (EWS) shall not be used as a disciplinary measure. The EWS shall not prevent the Department from administering discipline.

309.2 DEFINITIONS

The Early Warning System (EWS) is a pro-active, NON-DISCIPLINARY system intended to enhance awareness by employees, managers and supervisors of potential employee problems before they become so serious that they require discipline or cause liability.

Employees who are involved in four (4) or more reportable incidents within the preceding twelve (12) month period shall be identified for participation in EWS. Employees may also be entered into the EWS, regardless of the number of reportable incidents, if the employee will benefit from participation.

The following incidents will be defined as "reportable" for the purposes of the Early Warning System.

(a) Personnel Complaints that are sustained or not sustained.

(b) Sustained violations of department policy.

(c) In-custody deaths and canine bites.

(d) Use of force reports will be designated for inclusion into the Early Warning System when:

1. The force used by the officer appears to have caused physical injury to the suspect or required medical assistance.
2. The force used by the officer included personal body weapons, a chemical irritant, electronic control device, carotid restraint, impact weapon or a firearm.
3. The investigating supervisor determines the needs of the Department and/or employee would be served by including the incident into EWS.
4. The use of force is subsequently determined to be in violation of policy.

309.3 PROCEDURE AND RESPONSIBILITY

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309.3.1 INTERNAL AFFAIRS (IA) RESPONSIBILITY

(a) Compile and distribute to Command Staff quarterly (or more frequently as requested) EWS reports. These reports will consist of a statistical summary identifying the involved employees and the number of incidents in each category.

(b) The EWS reports shall be CONFIDENTIAL and clearly marked as such. Copies of the reports shall be directed to the Chief of Police, the Deputy Chief and each Division Commander in a timely manner prior to the quarterly Command Staff meeting designed for discussion of EWS matters.

(c) The Internal Affairs Lieutenant will be responsible for the coordination of the EWS program. He/She will monitor the number and significance of EWS reportable incidents and provide additional details, insight and recommendations to the Chief's Office and affected Division Commanders as requested or appropriate.

(d) The Internal Affairs Lieutenant shall receive and review original copies of the Division Commander's summation memorandums and maintain them in the Internal Affairs EWS file.

309.3.2 CHIEF'S OFFICE RESPONSIBILITY

(a) The Chief of Police will oversee the EWS process.

(b) At least one Command Staff meeting per quarter, at intervals of no more than 90 days, shall include review and discussion of EWS matters.

(c) The scheduled Command Staff meeting designated for EWS review shall be so indicated with the acronym "EWS" on the published agendas to allow IA adequate time to prepare and distribute their reports.

(d) Employees who are involved in four (4) or more reportable incidents within the preceding twelve (12) month period shall be identified.

(e) Regardless of the number of reportable incidents that an employee has been involved in, if the Chief of Police (or his/her designee) feels that the employee will benefit from participation in the EWS, he/she will assign that employee's commander to further investigate and intervene as necessary.

309.3.3 DIVISION COMMANDERS' RESPONSIBILITY

(a) Division Commanders are expected to be proactive in attempting to resolve employee performance problems, negative trends and patterns.

(b) Review and analyze EWS incidents identified in the EWS quarterly reports and seek additional information as needed from Internal Affairs.

(c) Require action or make recommendations from among the following options and ensure that they are carried out in a timely manner:

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1. Retraining and/or other remedial action or determine that no further action is required.
2. Modification of the employee's working conditions or assignment to the extent that such modification is within the authority of the Division Commander.
3. Refer the employee to the Employee Support Services Program (ESS).
4. Refer the employee to the Department Peer Counseling Program.
5. Refer the employee to the Department's contract psychologist for counseling at Department expense.
6. Other intervening action.

(d) Submit a summation memorandum to the Chief of Police and the Internal Affairs Unit describing the action taken. The memorandum shall include:

1. A summary of each incident(s) that were discussed with the employee and any suggestions, additional training or any other action that occurred. When applicable, the final disposition shall be included.
2. Remedial action taken, scheduled or planned.

(e) Conduct follow-up reviews and submit supplementary reports for a time period that the Commander and Chief of Police deem appropriate.

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Vehicle Pursuits

310.1 PURPOSE AND SCOPE

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

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

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

310.1.1 VEHICLE PURSUIT DEFINED

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

310.2 OFFICER RESPONSIBILITIES

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

310.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

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The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

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

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

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

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

(f) Pursuing 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.

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

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

(i) Vehicle speeds.

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

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

(l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the police vehicle.

310.2.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In

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the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in When to Initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) Pursued vehicle’s location is no longer definitely known.

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

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

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

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

(g) Pursuit is terminated by a supervisor.

310.2.3 SPEED LIMITS

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

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

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

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

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

310.3 PURSUIT UNITS

Pursuit units should be limited to four vehicles (two units, a K-9 unit, and a supervisor); however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the 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 a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

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310.3.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

310.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Officers in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Officers in such vehicles shall only become involved in a pursuit under circumstances where the escape of the suspect presents a clear and articulable danger to the lives of officers or the public. Those officers should end 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.**

310.3.3 PRIMARY UNIT RESPONSIBILITIES

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

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

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

(d) Description of the fleeing vehicle and license number, if known.

(e) Number of known occupants.

(f) The identity or description of the known occupants.

(g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

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

310.3.4 SECONDARY UNITS RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

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

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(b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

(c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

310.3.5 PURSUIT DRIVING TACTICS

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

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

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

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

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

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

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

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

310.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

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310.3.7 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

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

310.3.8 AIRCRAFT ASSISTANCE

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

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to CODE-22 the pursuit.

310.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

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

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

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

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

(e) Directing that the pursuit be CODE-22'd if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft are requested if available.

(g) Ensuring that the proper radio channel is being used.

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(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

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

(j) Preparing an administrative review of the pursuit for training purposes.

310.4.1 WATCH COMMANDER RESPONSIBILITY

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

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

310.5 COMMUNICATIONS

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

310.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Communications Center will:

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

(b) Notify and coordinate with other involved or affected agencies as practicable.

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

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

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

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

310.5.2 LOSS OF PURSUED VEHICLE

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

310.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or

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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.

310.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

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

310.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

(a) Ability to maintain the pursuit

(b) Circumstances serious enough to continue the pursuit

(c) Adequate staffing to continue the pursuit

(d) The public's safety within this jurisdiction

(e) Safety of the pursuing officers

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will end at the 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.

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In the event that a pursuit from another agency ends 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.

310.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, or PIT (Pursuit Intervention Technique).

310.7.1 WHEN USE IS AUTHORIZED

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

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

Following the use of a pursuit intervention tactic which results in a collision of the pursued vehicle, or the use of a PIT maneuver, the suspect shall be taken for a medical booking clearance (OK to book) as soon as practicable, and should be monitored until examined by paramedics or other appropriate medical personnel. Medical aid shall be summoned to the scene to evaluate any non-arrested members of the public who are passengers in the suspect vehicle or involved in the collision, whether or not they desire medical attention.

310.7.2 TACTICS

The following pursuit intervention tactics are authorized by the Riverside Police Department in accordance with this policy:

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

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out and end the pursuit.

The following pursuit intervention tactics **ARE NOT** authorized by the Riverside Police Department, except where the use of deadly force would be justified:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

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

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

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

310.7.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon in accordance with the Use of Force policy.

310.7.4 INTERVENTION STANDARDS

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

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

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

310.7.5 CAPTURE OF SUSPECTS

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

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

310.8 REPORTING REQUIREMENTS

The following reports should be completed upon conclusion of all pursuits:

(a) The primary officer should complete appropriate crime/arrest reports.

(b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 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) After first obtaining the available information, a field supervisor shall promptly complete an Administrative Review, summarizing the pursuit, and submit it to his/her manager. This review should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and officers
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition (arrest, citation), including arrestee information if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene
10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

310.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

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310.8.2 POLICY REVIEW

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

310.9 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

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Excited Delirium

311.1 PURPOSE AND SCOPE

Excited Delirium (ED) is a life-threatening medical emergency, disguised as a police problem. Once officers encounter a person displaying symptoms of excited delirium (err on the side of caution if unsure), steps must be taken to ensure appropriate medical intervention as soon as possible. A person in the throes of this acute excited state should be considered in extreme medical crisis, and may die, despite all reasonable precautions taken by officers and other emergency responders to help and protect the subject.

In addition to whatever law enforcement response may be required, the incident shall be managed as a medical emergency. As there can be no medical intervention without custody, officers will take reasonable and necessary action, consistent with provided training and this directive, to ensure that the person receives a police response which is appropriate to the subject's needs, while protecting the safety of all concerned.

311.2 DEFINITION

Excited Delirium is a state of extreme mental and physiological excitement, usually associated with chronic illicit drug use, characterized by exceptional agitation and hyperactivity, hyperthermia, hostility, exceptional strength, aggression, acute paranoia, and endurance without apparent fatigue.

Excited Delirium presents as a cluster of physiological and behavioral symptoms, which may include:

(a) Bizarre and/or violent behavior

(b) Confusion or disorientation

(c) Incoherent/nonsensical speech

(d) Hyperactivity

(e) Acute paranoia

(f) Aggression

(g) Profuse sweating

(h) Hyperthermia

(i) Shedding of clothes or nudity

(j) Hallucinations

(k) Attraction to glass (smashing glass common)

(l) Drooling/Foaming at the mouth

(m) Fear and panic

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(n) Exceptional physical strength

(o) Endurance without apparent fatigue

(p) Ability to effectively resist multiple officers

311.3 PROCEDURE

311.3.1 COMMUNICATIONS BUREAU RESPONSIBILITIES

(a) Upon receipt of a call for service that may lead the dispatcher to believe a person is exhibiting signs of Excited Delirium, as described above, a minimum of one (1) supervisor and four (4) officers will be dispatched, if practical, and the Watch Commander will be notified.

(b) Emergency medical services consistent with a response to a subject experiencing an extreme medical crisis will also be dispatched to respond when the original nature of the call dictates, or when requested by officers on the scene. EMS personnel shall be advised to stage at a location a safe distance from the scene until notified by officers that the scene is secured.

311.3.2 RESPONDING OFFICERS' RESPONSIBILITIES

(a) Responding officers shall assess the situation to determine if the person is suffering from ED. The determination must necessarily be based on a rapid assessment of the overall scenario and behavior of the subject. If ED is suspected, (err on the side of caution if unsure), immediately request EMS and the Watch Commander if they have not been initially dispatched.

(b) If the ED subject is armed and/or combative or otherwise poses a threat that requires immediate intervention, officers shall employ reasonable and necessary force to protect themselves and others and take the person into custody.

(c) If the ED subject is unarmed and presents no immediate threat to self or others, officers shall, if practical, contain the subject while maintaining a safe distance and remove others who might be harmed.

- Officers shall formulate a custody plan prior to making physical contact with the subject, if possible. There can be no medical intervention without custody. The object of the plan is to de-escalate the situation, calm the individual and gain control of the person so that he may be medically cared for. If practical, attempt to gain the ED subject's voluntary compliance with these tactics:

1. Preferably, only one officer should attempt to engage the subject in conversation. Remain calm, speak in a conversational, non- confrontational manner, and reassure the subject that you are trying to help.

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2. Attempt to have the individual sit down, which may have a calming effect. Also, refrain from making constant eye contact, which may be interpreted as threatening.

3. Because of the subject's mental state, statements and questions may need to be repeated several times. The subject may be extremely fearful and confused, so be patient and reassuring, as it may take some time for him to calm down.

(d) Once sufficient officers are present and if the determination is made that physical force is necessary, the custody plan must be implemented quickly, and with overwhelming force, to minimize the intensity and duration of any resistance and to avoid a prolonged struggle, which may increase the risk of sudden death. If possible, officers should ensure medical personnel are staged nearby prior to implementing the custody plan.

(e) Officers shall take into consideration all available force options and control techniques, with the realization that ED subjects often demonstrate unusual strength, resistance to pain, as well as instinctive resistance to the use of force. Primary consideration should be given to proper application of the TASER device, which has proven effective as it temporarily causes neuromuscular incapacitation, providing officers with a window of opportunity to safely control and restrain the subject. Immediately upon TASER device application, a multi-officer take-down team, using a coordinated group tactic, should swarm the subject, gain physical control and handcuff the subject while he or she is incapacitated by the TASER device.

(f) When needed, the objective of using a restraining device is to secure the feet and legs of a suspect to control kicking, fighting and standing. Restraining is also used to control a subject's feet to prevent injury to officers and/or the subject.

(g) Approved restraining devices that may be used during an ED incident are:

1. The Department's approved hobble and/or handcuffs.

2. AMR and RFD personnel carry four point soft restraints that are also acceptable to restrain a subject experiencing excited delirium incidents. Officers who restrain a subject are reminded that immediately following restraint of the subject; he or she must be rolled onto their side, thereby relieving pressure from the chest and abdomen, allowing the subject to breathe easier.

(h) Once the subject is in custody and the scene is secured, immediately summon EMS personnel. Until primary responsibility for the care of the subject is transferred to EMS personnel, officers must keep the restrained subject under constant observation. Place the individual in a supine position or on his side and continually monitor and assess vital signs. Be especially vigilant if he suddenly stops resisting and becomes tranquil.

(i) Officers shall coordinate with on-scene EMS personnel and transfer custody of the subject to them, assisting in any way, to avoid delay in the transportation of the

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individual to a medical facility. An officer shall be assigned to accompany EMS personnel during the ambulance transport.

311.3.3 SUPERVISOR'S RESPONSIBILITIES

(a) A supervisor shall respond to and assume command of all ED calls.

(b) The supervisor shall ensure that all necessary police and administrative forms and reports are completed as required, to include as much of the following information as possible:

1. Description and duration of subject's behavior prior to and after police contact, to include subject utterances and actions, i.e., running, shouting, pacing furiously, etc.
2. Type and duration of resistance.
3. Number and identity of officers involved.
4. Method of subject transport, to include time transport begins and ends.
5. Struggle against restraints during transport.
6. Presence or absence of sweating by subject.
7. Describe resuscitation efforts, if applicable, number of times attempt was made, and by whom.

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Officer Response to Calls

312.1 PURPOSE AND SCOPE

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

312.2 RESPONSE TO CALLS

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

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

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

312.3 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

312.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Watch Commander, the field supervisor, or primary officer requests an additional unit(s).

312.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. Should another officer believe a Code-3 response is appropriate, the Communications Center shall be notified and the Watch Commander or field

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supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

312.5 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 a reasonable speed. In such an event, the officer should immediately notify the Communications Center. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall give the location from which he/she is responding.

312.6 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

312.7 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

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The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

312.8 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 the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

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Fire Related Deaths and Criminal Activities

313.1 PURPOSE AND SCOPE

To insure a timely response by both Fire and Police Investigators to fire scenes involving criminal activity and to promote cooperation and the sharing of information between departments.

313.2 PROCEDURE

(a) The initial response agency at a fire scene shall notify Communications immediately when:

1. There is a death.
2. There is a crime other than arson.
3. There is a fire of suspicious origin to a structure designed for human habitation.

(b) The initial response agency shall then assume responsibility for protecting the scene from avoidable destruction or disturbance of potential evidentiary items until relieved by personnel having jurisdictional investigative authority.

(c) A police officer shall be immediately dispatched to investigate. If it is determined that one of the above circumstances exists, the Police Department shall then assume investigative jurisdiction and the officer shall proceed in accordance with Police Department policy.

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Canines

314.1 PURPOSE AND SCOPE

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

314.2 POLICY

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

314.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Field Operations Division to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Watch Commander.

314.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Canine Lieutenant, who is responsible to the Field Operations Division Commander or the authorized designee.

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

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining liaison with the vendor kennel.

(c) Maintaining liaison with command staff and functional supervisors.

(d) Maintaining liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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314.5 REQUESTS FOR CANINE TEAMS

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

314.5.1 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 approval from the Watch Commander, and the canine team should be accompanied by at least two officers and a supervisor when available.

(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.

314.5.2 PUBLIC DEMONSTRATIONS

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.

314.6 APPREHENSION GUIDELINES

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

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

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

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

Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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. If the canine has apprehended the suspect with a secure bite, the handler should command the canine to release the suspect as soon as the suspect appears to no longer pose an immediate threat.

314.6.1 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-scene should carefully consider all pertinent information known at the time. The information should include, but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

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

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

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

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

314.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender. If feasible, other members

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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.

In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

314.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a police 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 canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor and the Canine Coordinator 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).

314.7 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 present an immediate 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.

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(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 canine should be secured as soon as it becomes reasonably practicable.

314.7.1 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.

314.7.2 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.

314.7.3 BOMB/EXPLOSIVE DETECTION

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

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

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

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

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

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

314.7.4 SEARCH AND RESCUE

A canine certified in trailing may be used under the following circumstances:

(a) Searching for lost or missing adults or juveniles.

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(b) Searching for suspects who have fled the scene of a crime where scent from the suspect was left behind.

(c) Obtaining a search warrant by using scent identification obtained by a certified trailing canine in support of probable cause.

The following prerequisites should be adhered to prior to deploying a trailing canine (People v. Malgren (1983) 139 CAL,APP.3D 234 [188 CAL. PTR. 569]):

1. The canine handler is qualified to use a trailing canine.
2. The canine is adequately trained and is reliable in tracking humans.
3. The canine is placed on the track where the person being sought had been.
4. The trail is not stale or contaminated.

A trailing canine will not be used to search for articles or to conduct scent line-ups.

314.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation and has a minimum of three years law enforcement experience.

(b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).

(c) A garage that can be secured and accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Riverside City limits.

(e) Agreeing to be assigned to the position for a minimum of three years.

314.9 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 handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for a period exceeding 30 calender days, the assigned canine vehicle should be stored at the Riverside Police Department facility, consistent with the Vehicle Use Policy.

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(e) 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.

(f) 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.

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

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

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

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

(k) Whenever a canine handler is off-duty for a period exceeding 30 calender 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.

314.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

314.10 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).

314.11 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.

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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.

314.12 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 and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards 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.

Any additional training, beyond regularly scheduled on-duty canine training will not be compensated unless previously approved by the canine coordinator.

314.12.1 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. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the Riverside Police Department canine training provider.

(b) Canine handlers are encouraged to attend additional training with approval of the Canine Coordinator.

(c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

314.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

314.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine unit's training files.

314.12.4 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 regarding the same. Alternatively, the Riverside Police Department may work with outside trainers with the applicable licenses or permits.

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314.12.5 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(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Riverside 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 Agency (DEA).

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

314.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be 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 Bureau 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.

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314.12.7 EXPLOSIVE TRAINING AIDS

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

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

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

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

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

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

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

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

314.13 GPS DEVICES

(a) The Department will issue a GPS device to all police canines owned by the City of Riverside

(b) The GPS device shall have the following capabilities:

1. Location data for tracking.
2. Active and passive Geofence virtual barrier with triggers for alerts when the device exits the boundary of the Geofence.
3. Minimum five day battery life
4. Low battery warning.
5. The device shall be waterproof.

(c) The issued GPS device shall be affixed to the canine during all off duty time, except when the canine is housed in a commercial kennel or veterinary office. The device is not required while on duty in a working or training capacity and the canine is under the supervision or control of the handler.

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(d) The officer shall ensure the GPS device is in good working condition and immediately notify the K9 unit supervisor of any malfunctions.

(e) The location data for all GPS devices shall be available to all members of the Canine Unit.

(f) The officer shall establish a Geofence for the GPS device while it is attached to the canine.

(g) Immediate notification shall be made to the K9 unit supervisor if the Geofence alarm is activated.

1. The K9 unit supervisor shall immediately notify the K9 unit commander of the Geofence alarm activation and coordinate a response to locate and secure the canine.

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Air Support

315.1 PURPOSE AND SCOPE

The primary mission of the Air Support Unit is to enhance both officer and public safety by providing airborne support to field operations and other specialized units of the Riverside Police Department. To accomplish this mission the Air Support Unit will provide rapid response, tactical insight and aerial assessments of incidents, in a safe and professional manner.

315.2 REQUESTS FOR AIR SUPPORT

315.2.1 PRE-PLANNED OPERATIONS

Requests for air support for pre-planned operations shall be granted upon approval of the the Special Operations, SWAT/Aviation Lieutenant or designee.

315.2.2 AIR SUPPORT TO OTHER AGENCIES

When practical the Watch Commander or designee will be notified prior to providing air support to allied agencies outside the city limits.

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Domestic Violence

316.1 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.

316.1.1 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.

316.2 POLICY

The Riverside 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.

316.3 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.

316.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

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(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 Centralized Investigations Bureau in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

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316.4.1 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.

316.4.2 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.

316.4.3 CIVIL PROCESS
No member of this Department shall serve or execute any civil process unless upon the specific direction of the Chief of Police, or in cases involving psychopathic proceedings, upon the direction of his Commanding Officer.

It is not the function of this Department to evict tenants, repossess property of any type, or service summonses or subpoenas in civil cases.

Upon the request of proper authority, officers of this Department may, upon the direction of their Commanding Officer, accompany persons who have a legal right or authority to execute a civil process for the purpose of PREVENTING A BREACH OF THE PEACE ONLY. In those cases, where any officer of this Department is assigned to accompany any person in the execution of any civil process, they will not become involved nor will they assist in the service of such process. They will not advise either party of their right or privileges or of any recourse that they might have.

If, during the course of the service of a civil process, any act or acts are committed which amounts to the commission of a criminal offense, the member will take such action as may be warranted without regard to the fact that the dispute or criminal act arose from or during the execution of the such process.

316.5 VICTIM ASSISTANCE
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

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(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) 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.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

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

316.5.1 EMERGENCY PROTECTIVE ORDERS

Domestic Violence resource forms including the application for Emergency Protective Order can be found on the RPD computer network at:

S:\Department Forms and Resources\Department forms\Officer Forms\Misc. Forms

316.6 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.

316.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

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

316.8 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

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violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

316.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

316.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is 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 his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (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)

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3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

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

(e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

316.9.2 COURT ORDERS

(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall 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) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

(c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

(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

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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 him/her 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).

316.9.3 PUBLIC ACCESS TO POLICY

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

316.9.4 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt 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)(2)).

316.9.5 RECORD-KEEPING AND DATA COLLECTION

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident 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 Bureau Manager to maintain and report this information as required.

316.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

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

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Search and Seizure

317.1 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 Riverside Police Department personnel to consider when dealing with search and seizure issues.

317.2 POLICY

It is the policy of the Riverside Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

317.3 SEARCHES

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

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

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

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

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

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317.4 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 shall be carried out with due regard and respect for private property interests and in a manner that minimizes damage.

(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 unless there is an exigency, reason to believe the subject is armed, or an articulable officer safety concern exists.
2. Proper search techniques shall be followed.
3. Transgender subjects shall be treated in accordance with protocols according to their expressed gender.

317.5 DOCUMENTATION

Officers are responsible to document any search of a residence or other structure, and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented, that current legal requirements and department policy have been met, and that the search was executed in compliance with the search warrant policy.

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Search Warrants, Probation and Parole Searches

318.1 PURPOSE AND SCOPE

To set forth a uniform procedure to identify roles, responsibilities and documentation requirements for the service of search warrants, probation searches, and parole searches by sworn personnel.

318.2 INITIAL INVESTIGATION

Information of criminal wrong doing is derived from a variety of sources. Corroboration and accuracy of information is mandatory and the following guidelines will be strictly adhered to with regard to the service of search warrants and probation or parole searches.

(a) The investigating officer or person serving the search warrant, will personally view the location to be searched, the point where entry will be made, and when applicable, have the informant point out the location.

(b) For probation and/or parole searches, where the person is not being detained, the investigating officer should make available photographs and satellite imagery of the location to all assisting personnel to verify the address and description of the location. If feasible, personally viewing the location is recommended.

(c) All information provided by any informant will be fully corroborated and any discrepancies shall be investigated thoroughly.

(d) All self-initiated criminal investigations conducted by Department personnel shall be queried through the Los Angeles Regional Criminal Information Clearinghouse (LAClear). For search warrants, the inquiry shall be noted in the Operational Assessment. For probation or parole searches, the inquiry shall be noted in the Parole/ Probation Operations Plan. Further corroboration may include:

1. Utility user checks
2. Telephone subscriber checks
3. Crisscross directory checks
4. Records check (Local/State/Federal)
5. DMV checks, photo if necessary
6. Direct surveillance of premises
7. Information from a second Confidential Reliable Informant (CRI)

(e) Should the investigator doubt any portion of the information provided by an informant, a search warrant should not be written. Consideration may be given to obtaining consent to search the location from a party with a legal standing to the location.

(f) The supervisor or designee shall notify communications and the watch commander prior to the service of any search warrant, or probation or parole search. If the location

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to be searched is outside the City of Riverside, the supervisor or designee will also notify the communications center and/or the Watch Commander of the appropriate jurisdiction.

(g) The investigating officer shall have their supervisor review the search warrant, the affidavit for search warrant, and affiant declaration prior to presentation of the search warrant to a judge. For warrants approved in Riverside County, or another county where court policy requires a Deputy District Attorney to review the warrant for legal sufficiency, the investigating officer shall have the Deputy District Attorney reviewing the search warrant sign the affidavit for the search warrant on the line provided prior to presentation to the court for approval.

(h) When it is necessary to obtain a search warrant after business hours, the conventional method of typing the search warrant and affiant declaration may still be utilized by having the on call duty judge sign the documents. Telephonic search warrants may be obtained when it becomes impractical to use the conventional method. In either case, contact the on call Deputy District Attorney as required above to review and sign the affidavit. Reviewed and signed documents can then be fax or emailed to the on call judge for approval. The original search warrant documents shall be submitted to the approving judge the next court day and filed with the court.

1. After a judge has signed or telephonically approved the search warrant, the case agent shall complete the Operational Assessment; or
2. If METRO is handling the service of the warrant, the METRO Officer assigned to the warrant will complete the Operational Assessment.

318.2.1 NIGHT SERVICE ENDORSEMENT

Service of warrants **shall not** be made between the hours of 10:00 p.m. and 7:00 a.m. unless the warrant is endorsed by the judge for night service per Penal Code §1533.

318.2.2 PROBATION AND PAROLE SEARCHES AT A RESIDENCE

Probation and parole searches shall be conducted according to State and Federal law in effect at time of service. The guidelines pertaining to search warrants will also apply to searches conducted pursuant to an individual's probation or parole search terms, when the search is not immediately incidental to another incident, such as a call for service, traffic stop, or pedestrian contact.

Additionally investigating officers shall:

(a) Contact the Department of Corrections Parole Division or the County Probation Department, and confirm the current probation or parole status of the individual. Specific inquiries should be made regarding any additional conditions attached to the individual's probation or parole search terms. Confirmation of the probationer or parolee's status and search terms can also be accomplished through LEADS, the Riverside County Probation website, and CLETS.

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(b) Prior to invoking a probationer or parolee's search terms, a Probation/Parole Operations Plan will be completed.

(c) Notification to either the Department of Corrections Parole Division, or County Probation regarding the circumstances of the search should be completed as soon as practicable.

318.2.3 SPECIAL CIRCUMSTANCES

Officers desiring to conduct a probation, parole or other search (knock and talk, roll back, etc.) that is incidental to another incident or investigation such as a call for service, traffic stop, or pedestrian contact, should generally follow the requirements of this policy as deemed practical or necessary. Any exceptions shall be approved by a supervisor.

Before the search, the investigating officer shall thoroughly brief supervision of the circumstances surrounding the invoking of the individual's search terms and identify any critical issues. A Parole/ Probation Operations Plan shallbe utilized. On duty PACT or on-call personnel can be utilized to query LAClear.

The supervisor will ensure the investigating officer has met the applicable requirements of this policy.

318.3 BRIEFING

a. All participating officers shall be present and their full attention given to the briefing.

b. The investigating officer will present the search information and make the appropriate assignments of assisting personnel, using the Operational Assessment or Parole/Probation Operations Plan. A sketch or photographs of the location to be searched will be drawn or projected for all assisting personnel to see. The Operational Assessment or Parole/Probation Operations Plan will include as much information as possible (i.e., search location, suspect name and description, vehicle information, and known or suspected weapons, animals, children, and any unusual circumstances).Items sought in the search warrant shall be read from the warrant for the participating personnel. Any officer safety concerns shall be addressed during the briefing.

c. If it is known that a dangerous animal will be encountered, at least one officer shall be assigned to control the animal.

318.4 EQUIPMENT

(a) The supervisor or designee will be responsible for ensuring that the equipment required to effectively conduct the search is accessible.

(b) All personnel shall be in uniform or wear Department issued search attire consisting of:

1. Ballistic type protective vest.

2. Nylon mesh "raid" vest with the officer's name, a cloth badge, and the word "Police" on the front. The word "Police" will also be visible from the back. In lieu

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of the nylon vest, a ballistic type protective vest may be worn as long as the previously outlined identifying marks are present.

3. Either nylon or leather Sam/Sally Browne belt with required equipment, including loaded magazines, handcuffs, radio, pepper spray, baton, and flashlight.

4. Baseball type caps with "Police" visible from the front may be worn as an optional item.

318.5 PROCEEDING TO LOCATION

Personnel will ride together in a designated "raid" vehicle unless prior permission is obtained from supervision to go in another vehicle. If more than one vehicle is used, every effort will be made to caravan to the location so as to arrive at the same time.

318.6 MAKING ENTRY TO THE PREMISES

(a) The investigating officer or designee will go to the entry location and make the appropriate knock and notice announcement prior to entering or forcing entry to the premises. If after entering the premises, officers encounter locked or otherwise secured rooms a separate knock and notice announcement will be given for each secured room before entry.

(b) The first officers entering the location should secure any persons they encounter and allow trailing officers to pass to secure adjoining areas. Use simple verbal commands while clearing rooms, i.e., "Police freeze," "Get down," "Hands up."

(c) After the location is secure, all detained persons should be taken to a centralized place on the premises. The investigating officer will determine who is responsible for the premises, and advise them of the reason for the search. The responsible party will be provided with a copy of the search warrant.

(d) Perimeter control shall be implemented. Should unexpected persons arrive at the search warrant location whose identity and connection to the premises are unknown and cannot immediately be determined without detaining the person, officers may detain him or her for the period of time required and in the manner necessary to make those determinations and to protect the safety of all present during the detention. If the person is determined to be an occupant of the home to be searched, he or she may be detained for the duration of the search. If the person is determined not to be an occupant, further detention is proper only if justified by other specific, articulable facts connecting him or her to the criminal activity suspected to be occurring on the premises, or establishing a danger to the officers if the person is released.

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318.7 SEARCH OF THE PREMISES

(a) The search of the premises will be conducted in a thorough and methodical manner, taking care not to damage any personal property of the owner or occupant of the premises.

(b) The investigating officer or designee will establish an appropriate area to which evidence and contraband will be taken and inventoried. The investigating officer or designee will be solely responsible for booking all items into property and assuring continuity in the chain of evidence. The investigating officer or designee will also conduct presumptive screening and weighing of contraband in accordance with Department policy.

(c) Upon entering and securing the premises and any occupants, the investigating officer or designee will photograph and/or video record and document in writing all significant previous damage.

(d) The investigating officer or designee will locate items of evidence, complete an evidence tag or envelope including file number and a description of the area in which the item was found, and move the evidence to the collector for screening and processing. Photographs of evidence will be taken at the discretion of the investigating officer.

(e) Prior to beginning the search of a room or area, a designated area will be searched and cleared. This area will then be used for subsequently located evidence and contraband.

(f) Each room or area of the premises will be searched by as many officers as practical to expedite the search, ensure thoroughness, and maintain security.

318.8 SUPERVISOR RESPONSIBILITIES PRIOR TO AND DURING SEARCHES

(a) A supervisor officer shall be present during the service of search warrants and probation or parole searches that are not conducted concurrent with another incident. The exception to this will be the service of search warrants via mail to financial institutions or telephone/cellular companies requesting records. Any other exceptions to this rule must be granted by the Bureau Division Lieutenant, Watch Commander or Captain.

(b) Supervisors should not be involved in the search of the premises but rather position themselves such that they may monitor the entire process. Supervisors may perform such functions as prisoner control or assist in the packaging of evidence or similar tasks.

(c) A supervisor shall ensure the validity of the search warrants, probation, or parole searches and will supervise the overall serving of the search warrant, probation or parole search, as well as complete any administrative reports required by policy.

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(d) The on-scene supervisor shall ensure the premises are photographed and/or a video recording is made to document the condition of the premises before and after the search, and that the premises are adequately secured. If the premises cannot be secured, the arrestee(s) shall be advised, and at their discretion a reasonable attempt will be made to contact a responsible party prior to departing.

318.8.1 ADMINISTRATIVE DOCUMENTATION

(a) Should damage to personal property occur as a result of forcible entry or an accident, a description of the damaged article and the circumstances under which it occurred will be documented in the police report.

(b) On scene supervision and the investigating officer will be advised of the damage and photographs will be taken.

(c) A responsible party for the property will be advised of the damage and of the procedure for filing a claim with the City of Riverside.

(d) A copy of the police report, probation or parole terms or search warrant face page will be submitted to supervision who will then prepare an administrative report as required by Department policy

318.9 CONCLUSION OF THE SEARCH

(a) It will be the responsibility of the investigating officer or designee to ensure all items of evidence have been collected and to maintain the chain of custody until deposited in the property room of the police department.

(b) It will be the responsibility of the investigating officer or designee to field test all seized drugs in accordance with Department policy.

(c) It shall be the responsibility of each officer to ensure that all personal items, police equipment and all tools used for searching and entry are collected and removed from the scene.

318.10 COMPLETION OF THE POLICE REPORT

The specific role and actions of each officer involved in the service of a search warrant or a probation or parole search on a residence or other structure shall be documented in a police report. Parole or probation searches of a vehicle or person, which are conducted incident to a traffic stop or pedestrian check shall also be documented, but may be documented with a CAD entry only.

It will be the responsibility of the investigating officer to ensure a return of the search warrant to the issuing court within the legal prescribed time limit, whether or not any items are seized pursuant to the warrant.

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Temporary Custody of Juveniles

319.1 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 Riverside Police Department (34 USC § 11133).

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

319.1.1 DEFINITIONS

Definitions related to this policy include:

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

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

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(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).

319.2 POLICY

The Riverside 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 Riverside Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

319.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Riverside 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 arresting officer's supervisor or 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 Riverside 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).

319.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The arresting officer's supervisor or 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).

319.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

319.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Riverside 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 Riverside Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Riverside Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

319.4.1 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 Riverside 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 the 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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319.4.2 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).

319.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Riverside 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 his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative 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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319.5 ADVISEMENTS

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

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended. 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, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

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

319.6 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 logs (a log book is located in holding areas at the Galleria Substation, Magnolia booking room, and Orange St. booking room), including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Riverside Police Department (15 CCR 1150).

(c) The arresting officer's supervisor or 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(d); 15 CCR 1145).

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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The arresting officer's supervisor or the Watch Commander shall approve the custody, including any secure custody, and shall be notified as soon as the juvenile is released. The approval shall be entered in the appropriate custody log.

The logs will be collected from each facility at the end of the month by the Records Bureau. The monthly logs will be presented to the Field Operations Administrative Lieutenant for final review and approval. The Administrative Lieutenant will coordinate any corrections that need to be made to the logs before final approval. Upon approval, the Administrative Lieutenant will sign as the "Approving Supervisor" on the bottom of each log page and return the logs to the records bureau. The Records Bureau is responsible for maintaining the logs and preparing the mandatory monthly and annual survey reports.

Master log pages can be found on the S:/drive if additional pages are needed for the log books. The log pages can be located at S:\Department Forms and Resources\Department forms\Officer Forms\Juvenile Detention Forms

319.7 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 Riverside 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).

319.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Riverside 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 Riverside Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Riverside Police Department more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) 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 peep holes or mirrors, of which the juvenile is not aware.

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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) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

(j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

319.9 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 Riverside 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 or supervisor. 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).

319.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Riverside Police Department shall ensure a thorough search of the juvenile’s property is made and all property is

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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 Riverside Police Department.

319.11 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). The arresting officer's supervisor or the Watch Commander's approval is required before placing a juvenile offender in secure custody.

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

(a) Age, maturity and delinquent history

(b) Severity of offense for which the juvenile was taken into custody

(c) The juvenile offender's behavior

(d) Availability of staff to provide adequate supervision or protection of the juvenile offender

(e) Age, type and number of other individuals in custody at the facility

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).

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319.11.1 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) Juveniles shall have constant auditory access to department members (15 CCR 1147).

(b) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).

(c) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (Welfare and Institutions Code § 207.1(d); 15 CCR 1147; 15 CCR 1151).

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(d) Males and females shall not be placed in the same locked room (15 CCR 1147).

(e) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(f) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

319.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The arresting officer's supervisor or the Watch Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Riverside Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police and Investigations Division Supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

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(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

319.13 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 telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

319.13.1 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 other 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) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of 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 the timely repair or replacement is not feasible.

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

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

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

319.14 FORMAL BOOKING

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

Any juvenile, 14 years of age or older, who is taken into custody for a serious or violent 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 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

319.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current TNG Order of the juvenile court concerning authorized release of information is available on the secured S:/drive for the Riverside Police Department. Such releases are authorized by Welfare and Institutions Code § 827 and defined by the presiding Juvenile Court Judge. The current TNG order can be accessed at S:\Department Forms and Resources \Department forms\Officer Forms\Juvenile Detention Forms

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

319.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Field Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the Riverside Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

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319.17 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

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Juvenile Daytime Loitering and Curfew Violations

320.1 PURPOSE AND SCOPE

To establish a procedure for the detention and release of juveniles in violation of City Ordinances 9.10.010 (Daytime Loitering by Minors) and 9.06.028 (Curfew). It is the intention of the Department to enforce these ordinances.

320.2 PROCEDURE

320.2.1 DAYTIME LOITERING

(a) Officers needing to verify or determine the status of a juvenile can have Dispatch call the minor's School District at the following numbers and provide the name and DOB. Dispatch should also run the juvenile to determine if the juvenile is in the Missing/Unidentified Persons System (MUPS). Riverside Unified School District - 784-7233(SAFE)

- Alvord Unified School District - 351-9207
- Moreno Valley Unified School District - 485-5600 x2828
- Jurupa Unified School District - 222-7769
- Perris Unified High School District - Must contact individual school site. No centralized computer system.
- Corona/Norco Unified School District - Must contact individual school site. No centralized computer system.

(b) A juvenile who has been suspended or expelled is not exempt from the ordinance.

(c) Any juvenile in violation of City Ordinance 9.10.010 may be issued an infraction citation and given an appearance date in the Moreno Valley Traffic Court on the third Wednesday of the month at 6 P.M. A parent or guardian must appear with the juvenile. If the appearance date is less than two weeks from the date of the citation, cite for the third Wednesday of the following month for appearance.

(d) Release the juvenile to officials at his/her assigned school, to a parent or legal guardian, or responsible adult acceptable to the parent or legal guardian. In the event the officer is unable to accomplish the placement of the juvenile using the steps above, the officer is to take whatever other reasonable action may be necessary after consultation with a supervisor. In some circumstances, the juvenile may be released on their own following the issuance of the citation. The officer should consider the time, location, age, and circumstances when deciding to release a juvenile. If the officer has actually taken the person into custody as opposed to just transporting the juvenile

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home, then the officer will have to ensure the juvenile is safe and properly supervised before releasing.

(e) An Initial Report and Suspect Description Sheet will be completed by the officer and submitted with the citation for approval by a supervisor. The report will include the name of the juvenile's assigned school. A short narrative will briefly describe the violation and action taken. The name of the person to whom the juvenile was released shall be included in the report.

320.2.2 CURFEW

(a) Any juvenile in violation of City Ordinance 9.06.028 will be issued an infraction citation and given an appearance date in the Moreno Valley Traffic Court. The appearance date will be the same as if issuing a traffic citation. A parent or guardian must appear with the juvenile.

(b) Release the juvenile to a parent or legal guardian, or responsible adult acceptable to the parent or legal guardian. In the event the officer is unable to accomplish the placement of the juvenile using the steps above, the officer is to take whatever other reasonable action may be necessary after consultation with a supervisor. In some circumstances, the juvenile may be released on their own following the issuance of the citation. The officer should consider the time, location, age, and circumstances when deciding to release a juvenile. If the officer has actually taken the juvenile into custody, then the officer must ensure the juvenile is safe and properly supervised before releasing him/her.

320.2.3 CURFEW PROCESSING CENTER

(a) If it is determined that the use of a curfew processing center is needed, they are to be utilized to detain a juvenile only as long as it takes for a parent/guardian to take custody of them. The location of the center will be determined by the Field Services Division Commander or his designee.

(b) Staffing will be determined by the Field Operations Division Commander or his designee but shall have at least one full-time sworn officer present. Department approved volunteers may also be utilized to staff the center.

(c) The processing center will be a non-secure facility and will be handled in accordance with Section 4.42 of this manual.

(d) Juveniles will not be handcuffed in the processing center.

(e) All juveniles being detained will be checked for warrants and status in the MUPS system.

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320.3 PROCESSING OF CITATION AND REPORT

(a) Records will forward a copy of the report and citation to the appropriate bureau. Records will also forward a copy of the report and citation to the Moreno Valley Traffic Court.

(b) The officer/detective assigned to process the report and citation will send a certified letter to the parent/guardian of the juvenile. The letter will contain the date and time of the offense and the date, time and location for appearance by the juvenile and parent/guardian.

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Adult Abuse

321.1 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 Riverside Police Department members as required by law.

321.1.1 DEFINITIONS

Definitions related to this policy include:

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).

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 § 15610.07; Penal Code § 368.5).

321.2 POLICY

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

321.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of 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 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.

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(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) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).

(k) 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 potential adult abuse and investigated similarly.

321.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

321.5 MANDATORY NOTIFICATION

Members of the Riverside Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have

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observed, or have knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she 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)).

A dependent adult is 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 (Welfare and Institutions Code § 15610.23).

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.

(d) The SDSS 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 Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

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(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 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 Centralized Investigations Bureau 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).

321.5.1 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.

(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.

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321.6 PROTECTIVE CUSTODY

Before taking an 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, removal of an adult abuse victim from his/her family, guardian or other 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 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. Prior to taking an 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 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 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.

321.6.1 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

321.7 INTERVIEWS

321.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected 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.

321.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

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(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.

321.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

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

321.9 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 adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

321.9.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an 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 Centralized Investigations Bureau supervisor so an interagency response can begin.

321.9.2 SUPERVISOR RESPONSIBILITIES

The Centralized Investigations Bureau supervisor 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 adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

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(b) Activate any available interagency response when an officer notifies the Centralized Investigations Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an 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.

321.10 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

321.11 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for:

(a) Providing a copy of the 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 adult abuse report with the initial case file.

321.12 JURISDICTION

The Riverside 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 in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

321.13 RELEVANT STATUTES

Penal Code § 368 (c)

Any 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

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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)

(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.

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 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,

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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.

(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.

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(2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

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.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

(5) Incest, as defined in Section 285 of the Penal Code.

(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

(8) Sexual penetration, as defined in Section 289 of the Penal Code.

(9) 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.

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(3) For any purpose not authorized by the physician and surgeon.

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Discriminatory Harassment

322.1 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.

322.2 POLICY

The Riverside 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.

322.2.1 CITY HUMAN RESOURCES POLICY

Nothing in this policy shall be deemed to supersede the City of Riverside Human Resources Policy and Procedures Manual. In addition to this section, employees are required to adhere to HR Policy and Procedures Manual Section III-6 (Harassment Free Workplace Policy).

322.3 DEFINITIONS

Definitions related to this policy include:

322.3.1 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 the 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 other classifications protected by law.

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

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material

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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.

322.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or 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.

322.3.3 ADDITIONAL CONSIDERATIONS

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.

(b) Bona fide requests or demands by a supervisor that a member improve his/her 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.

322.3.4 RETALIATION

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

322.4 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

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make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Personnel Bureau Manager or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed or 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 determine if there is any basis for the allegation and shall proceed with resolution as stated below.

322.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager 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 his/her 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 Personnel Bureau Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

322.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the 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.

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 members or issuing discipline, in a manner that is consistent with established procedures.

322.4.3 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 Personnel

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Bureau Manager, the City Manager or the California Department of Fair Employment and Housing for further information, direction or clarification.

322.5 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, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

322.5.1 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, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or 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.

322.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person 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 is not limited to, details of the specific incident, frequency and 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, Personnel Bureau Manager, the City Human Resources Department, or the City Manager.

322.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated or retaliated 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. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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322.6 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 Personnel Bureau Manager, depending on the ranks of the involved parties.
- Maintained in accordance with the department's established records retention schedule.

322.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

322.7 TRAINING

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

All members shall receive 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.

322.7.1 SUPERVISOR TRAINING

All supervisors shall receive specific training and education regarding sexual harassment, prevention of abusive conduct and harassment based on gender identity, gender expression and sexual orientation within six months of assuming a supervisory position. Refresher training shall be provided every two years thereafter (Government Code § 12950.1; 2 CCR 11024).

322.7.2 TRAINING RECORDS

The Training Bureau Manager 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).

322.8 WORKING CONDITIONS

The Support Services 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).

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Child Abuse

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Riverside Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

323.1.1 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).

323.2 POLICY

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

323.3 MANDATORY NOTIFICATION

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

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

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

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1);

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neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

323.3.1 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.

323.4 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).

323.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

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(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

323.5.1 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).

323.6 PROTECTIVE CUSTODY

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

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

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

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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, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (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.

323.6.1 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.

323.6.2 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.

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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.

323.7 INTERVIEWS

323.7.1 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.

323.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

323.7.3 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).

323.8 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

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medical examination, the notified supervisor should consider obtaining a court order for such an examination.

323.9 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.

323.9.1 SUPERVISOR RESPONSIBILITIES

The Centralized Investigations Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Centralized Investigations Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

323.9.2 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 Centralized Investigations Bureau supervisor so an interagency response can begin.

323.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

323.10.1 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).

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323.10.2 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.

323.10.3 CACI HEARING OFFICER

The Centralized Investigations Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

323.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

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323.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

323.11 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.

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Child Custody or Visitation Court Orders

324.1 PURPOSE AND SCOPE

The purpose of this policy is to state the guidelines to be followed in response to a child custody or visitation incident where one or more parties have certified child custody or visitation court orders.

324.1.1 POLICY

All valid court orders shall be enforced and a police report shall be written documenting the incident.

324.2 PROCEDURES

(a) When an incident being investigated involves the alleged violation of a Child Custody or Visitation Order, the following investigative steps should be taken:

1. California Court Orders:
   - Determine if the Orders are valid. In determining whether the Orders are valid, the Orders presented to the officer should have a red certified stamp from the Court. If the parties disagree about whether they are the most recent Orders, all efforts should be made to contact the Court to determine if the Orders have been modified, terminated or dismissed. If the Court is closed or you have any questions contact the Riverside County Child Recovery Unit during business hours at 951-955-5659 or after hours and in emergencies, contact the on-call Deputy District Attorney at the number provided in the weekly RPD on-call list distributed by the Investigations Bureau Commander.
2. Out of State Court Orders:
   - Determine if the Orders are registered in a Superior Court of this State. If the Orders have been registered pursuant to Family Code Section 3445, in a Superior Court of this State they are enforceable. If the Orders are not registered in this State or if you have any questions regarding out of State Orders, contact the Riverside County Child Recovery Unit, on-call Deputy District Attorney at the above referenced number.
3. A party must provide a conformed (containing an original "filed" court stamp) or certified active copy of the order. Parties to a Court order do not have the ability to alter, amend or change a court order; only the Court may change its order.
4. Verify the terms specified in the order (including any revisions or updates) regarding the custody or visitation of the child(ren).
5. Investigating officers need not cite, arrest, or request that a warrant be issued when the following circumstances are present:

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(a) A violation has occurred, but the complainant indicates that prosecution is not desired.

(b) Verification of service of the order cannot be established.

(c) When the existence of the order cannot be verified.

(d) When there is reasonable cause to believe that the parent did not willfully violate the order. However, the assigned officer will report the incident and include the reason or circumstances which justify the lack of an arrest.

(e) The above provisions do not preclude the lawful arrest of a person for any other violation(s).

(b) However, it is important to note that all enforcement action be justified. Attempts to enforce such orders do not permit officers to enter a structure absent some other exception to the warrant requirement. Refusal of entry into a structure to enforce such an order does not create a violation of Penal Code Section 148. Where a party is unwilling to comply with a valid order, a supervisor shall be contacted and advised of the circumstances.

(c) When an incident being investigated involves two or more certified child custody or visitation orders which are in conflict, investigating officers shall retain copies of each court order. Officers shall **not** attempt to enforce court orders under this circumstance.

(d) When an officer responds to a call to assist in the enforcement of these orders, the case number found on the valid order shall be included in the police report.

(e) Supervisors may attempt to contact the on-call Deputy City Attorney or Deputy District Attorney for assistance if warranted under the circumstances.

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Missing Persons

325.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

325.1.1 DEFINITIONS

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 his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

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

325.2 POLICY

The Riverside 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 Riverside 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).

325.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)

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- 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

325.4 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).

325.5 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 for service 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.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under 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 his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

325.6 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.

325.6.1 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 Bureau.

(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.

325.6.2 RECORDS BUREAU RESPONSIBILITIES

The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

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(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the Centralized Investigations Bureau.

(e) Coordinate 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).

325.7 CENTRALIZED INVESTIGATIONS BUREAU 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 regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 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 previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

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(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) 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 § 586).

325.8 WHEN A MISSING PERSON IS FOUND

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

The Records Bureau 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.

325.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

325.9 CASE CLOSURE

The Centralized Investigations Bureau 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 Riverside 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.

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(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

325.10 TRAINING

Subject to available resources, the Training Bureau Manager 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.

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Child Protective Services

326.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for rendering assistance to Child Protective Services (CPS) in their investigations, and in the service of CPS warrants.

Social workers must have proper legal authority or prior judicial authorization to enter a home, seek medical examination for, or detain a child when investigating a child abuse and neglect referral. Police Officers may be called to assist CPS social workers in the service of a warrant, or in contacting a parent or legal guardian of a child pursuant to a CPS investigation. Officers may be required to keep the peace and ensure the safety of social workers, or to assist in a child abuse/ neglect investigation as appropriate.

The Riverside Police Department recognizes the importance of safeguarding the wellbeing of children, and it is the policy of this Department to render reasonable assistance to CPS social workers in the performance of their duties.

326.2 DEFINITIONS

(a) **Protective Custody Warrant:** A warrant to remove a child from the custody of his or her parent under non-exigent circumstances.

(b) **Order to Visually Examine Minor's Body:** A warrant where the scope is a search of the child's body underneath his/her clothing, and is reasonably related to the objective of investigating whether child abuse or neglect has occurred, and the search is not excessively intrusive in light of the age and sex of the child and the nature of the investigation for physical or sexual child abuse or neglect.

(c) **Order for Investigatory Medical Examination:** A warrant to medically examine a child for injuries, or obtain needed medical treatment or a forensic examination to ensure the child's health and safety and in the context of an emergency response investigation when parental consent is denied.

(d) **Search Warrant / Home Entry Order:** A warrant to enter the home of a parent or caregiver for the purpose of investigating allegations of abuse or neglect, including interviews of children when parental consent is denied.

326.3 REQUIREMENTS TO ENTER A HOME

Prior to entering a home for the purpose of conducting a child abuse / neglect investigation, a social worker shall have one of the following:

- Parental Consent
- Exigent Circumstances (Imminent Danger)
- Judicial Authorization (Search Warrant or Court Order)

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When entering a home for the purpose of assisting or ensuring the safety of CPS social workers, Officers shall ensure that one of the above criteria is met, and shall notify a supervisor if required under any section of this policy, (eg. Policy 318 Search Warrants).

Officers should keep in mind that there are circumstances which do not require a warrant for entry into a residence to assist CPS social workers [CA WIC §§ 305, 306(a)(1)], including:

- Imminent danger
- Absence of parents or arrest of parents (or legal guardians)
- Presence of dangerous or hazardous conditions
- Parental Consent

In such cases, Officers shall proceed to conduct a joint investigation with CPS regarding the allegations of child abuse or neglect.

326.4 EXECUTING THE CPS WARRANT

In situations where the CPS social workers are in possession of a search warrant, the Police Officer handling the call shall be responsible for serving a copy of the warrant to the parent. If no parent is present during the service of the search warrant, the Officer shall ensure that a copy of the warrant is left at the premises along with a property receipt describing any item(s) of evidence removed pursuant to the warrant.

The CPS social worker shall be responsible for documenting his/her own investigation and filing the Search Warrant Return with the appropriate court.

326.5 DOCUMENTATION

Officers called to assist CPS social workers in the service of a search warrant and/or the removal of children should render reasonable assistance to the social worker(s) in the performance of their duties, and **shall always make a police report documenting their actions in such situations.**

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Public Alerts

327.1 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.

327.2 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.

327.3 RESPONSIBILITIES

327.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Riverside Police Department should notify their supervisor, Watch Commander or Centralized Investigations Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

327.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

327.4 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.

327.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

(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.

327.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

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

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

327.5 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.

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327.5.1 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.

327.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:

1. The license number and/or any other available description or photograph of the vehicle
2. Photograph, description and/or identification of the suspect
3. The suspect's identity, age and description, if known
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

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

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

327.6 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).

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327.6.1 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.

"Developmentally disabled" means affected by a developmental disability, as defined in subdivision (a) of section 4512 of the Welfare and Institutions (W&I) Code, and "cognitively impaired" means affected by a cognitive impairment, as defined in Section 14522.4 W&I.

327.6.2 PROCEDURE FOR SILVER ALERT

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

327.7 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff’s Department Emergency Communications Bureau facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Centralized Investigations Bureau Supervisor elects to use the services of the Sheriff’s Department, the following will apply:

(a) Notify the Sheriff’s Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff’s Department Watch Commander.

(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.

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Public Alerts

The Riverside Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department Emergency Communications Bureau to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the Emergency Communications Bureau.

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Victim and Witness Assistance

328.1 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.

328.2 POLICY

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

328.3 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.

328.3.1 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).

328.4 VICTIM INFORMATION

The Support Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(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 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)).

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(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime (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).

328.5 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.

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Hate Crimes

329.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

329.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

(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

(h) Examples of hate crimes include, but are not limited to:

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

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

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

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329.2 POLICY

The Riverside Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

329.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

(a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.

(b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.

(c) Providing victim assistance and community follow-up as outlined below.

(d) Educating community and civic groups about hate crime laws.

(e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

329.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers will take all reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

    1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.

(e) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

    1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))

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2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Audio and Video Recording Policy).

(f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.

(g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.

(h) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.

(i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

329.4.1 CENTRALIZED INVESTIGATIONS BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Centralized Investigations Bureau, the assigned detective will be responsible for:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victims and other involved individuals, as needed.

(c) Make reasonable efforts to identify additional witnesses.

(d) Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).

(e) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.

1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

329.4.2 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

(a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.

(b) 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.

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(c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.

(d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

329.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

329.6 RECORDS

The Records Bureau will maintain statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023).

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Standards of Conduct

330.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Riverside 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.

330.2 DISCIPLINE POLICY

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

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

330.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

330.3.1 ATTENDANCE

(a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.

(c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

(d) Failure to notify the Department within 48 hours of any change in residence address, or primary contact phone number.

330.3.2 CONDUCT

(a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.

(b) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed confidential records.

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(c) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

(d) Unauthorized possession of, loss of or damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.

(e) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may reasonably result in criminal prosecution or discipline under this policy.

(f) Failure of any employee to promptly and fully report activities that have resulted in negative official contact by any other law enforcement agency, excluding minor traffic violations.

(g) Using or disclosing one's status as an employee with the Department in an attempt to gain influence or authority for non-department business or activity.

(h) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline under this policy.

(i) Seeking restraining orders against individuals encountered in the line of duty without prompt notification of the Chief of Police.

(j) Discourteous or disrespectful treatment of any member of the public or any member of this department.

(k) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(l) Members of the Department shall not recommend to any prisoner or any other person the employment of any person as attorney or counsel or suggest the name of any bailbondsman. They shall not communicate either directly or indirectly with an attorney or bailbondsman on behalf of any prisoner in custody.

(m) No employee shall use the department address for personal business

330.3.3 DISCRIMINATION

(a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

330.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who

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is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties

(d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

330.3.5 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(e) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(f) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department, which would tend to discredit any member thereof.

(g) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

(h) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(i) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

(j) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(k) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall

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familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

(l) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.

(m) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(n) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

(o) Employees are expected to promptly pay their debts.

(p) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(q) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.

(r) Offer or acceptance of a bribe or gratuity.

(s) Misappropriation or misuse of public funds.

(t) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(u) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(v) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(w) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized

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by the Chief of Police, or where otherwise authorized under the Employee Speech and Expression Policy.

(x) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.

(y) Violating any misdemeanor or felony statute.

(z) Any other on-duty or off-duty conduct which is contrary to good order, efficiency or morale, or which reflects unfavorably upon the Department or its members.

(aa) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(ab) Failure to maintain required and current licenses (e.g. driver's license) and certifications.

(ac) Failure to maintain a telephone at their residence, either hardline or cellular.

(ad) Giving false or misleading statements, or misrepresenting or omitting material information in connection with any investigation or in the reporting of any department-related business.

330.3.6 SAFETY

(a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Violating departmental safety standards or safe working practices.

330.3.7 SECURITY

(a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

(b) Members of the Department shall treat as confidential the official business of the Department. They shall not impart same to anyone except those for whom it is intended, or as directed by their Commanding Officer, or under due process of law.

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330.3.8 SUPERVISION RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws

(b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

330.4 COMPETENCY IN THE PERFORMANCE OF ONES DUTIES

As an officer, you must maintain sufficient competency to properly perform your duties and assume the responsibilities of the position. The ability to observe, describe, or recall an event for documentation, testifying in court, or remembering details in criminal and internal investigations is what competent officers are expected to do to properly perform their duties.

(a) **Incompetence may be demonstrated by:** Failure to observe and remember basic events at a significant incident. This shall include the officer's ability to observe and recall events and situations occurring around them.

1. A lack of knowledge of the application of laws required to be enforced.
2. An unwillingness or inability to perform assigned tasks.
3. Failure to conform to work standards established for the member's rank or position.
4. Failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention.
5. Absences without leave.

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Investigation of Disciplinary Allegations

331.1 INVESTIGATION

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

331.2 APPEALS

Any employee wishing to formally appeal a disciplinary action must submit a written request for appeal in accordance with his/her bargaining unit MOU.

(a) The appeals procedures for Riverside Police Officers' Association represented personnel may be found in Article 16 of the RPOA Memorandum of Understanding with the City of Riverside.

(b) The appeals procedures for Riverside Police Administrators' Association represented personnel may be found in Article 15 of the RPAA Memorandum of Understanding with the City of Riverside.

(c) The appeals procedures for Service Employees International Union represented personnel may be found in Article 21 of the SEIU Memorandum of Understaing with the City of Riverside.

331.3 POST-INVESTIGATION PROCEDURES

331.3.1 RESPONSIBILITIES OF THE DIVISION COMMANDER

Upon receipt of any completed personnel investigation, the Division Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action

(b) When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference

331.3.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

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The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, to be recommended.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written (Skelly) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

(a) Specific charges set forth in separate counts, describing the conduct underlying each count.

(b) A separate recommendation of proposed discipline for each charge.

(c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(d) An opportunity to respond orally or in writing to the Chief of Police within 14 calendar days of receiving the Skelly notice.

    (a) Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

    (b) If the employee elects to respond orally, the presentation should be recorded by the Department. If recorded, the employee shall be provided with a copy of the recording.

331.4 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This Skelly response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the Skelly response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

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(f) Once the employee has completed his/her Skelly response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Once the Chief of Police determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

331.5 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

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

331.6 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) or collective bargaining agreement and personnel rules.

During any post-Skelly 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 penalty. (Government Code § 3305.5).

331.7 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

(a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file

(b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the Skelly procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline

(c) At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code §3303 and applicable Department policies

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(d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment

(e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence

(f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file

(g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police

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Information Technology Use

332.1 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.

332.1.1 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 Riverside 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.

332.2 POLICY

It is the policy of the Riverside 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.

332.3 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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However, the Department may not require a member to disclose a personal username or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

332.4 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.

332.4.1 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.

332.4.2 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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332.4.3 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.

332.4.4 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 off-duty use of personally owned technology.

332.5 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.

332.6 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.

332.7 COMPLIANCE WITH CITY POLICY

Members of the Riverside Police Department, in addition to this policy, are also required to adhere to the City of Riverside Technical Resources Use and Monitoring Policy.

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California Law Enforcement Telecommunications (CLETS)

333.1 PURPOSE AND SCOPE

To establish a procedure for the expeditious reporting of cancellations on stolen, repossessed, impounded vehicles, and vehicles wanted for other felonies.

333.2 PROCEDURE

Every member of the Department who investigates or in any way takes information on a stolen, repossessed, impounded vehicle, or vehicle wanted for some other felony for which a written report is made, shall forward as soon as obtained, all necessary information on the vehicle so that an entry can be made with a minimum of delay into C.L.E.T.S.

(a) Information needed:

1. Status - either stolen, repossessed, impounded, or wanted for felony.
2. Vehicle license number and state,
3. VIN (Vehicle Identification No.)
4. Year, make, model, and color of vehicle.
5. Reporting authority.
6. Date and file number.
7. Miscellaneous information.

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Report Preparation

334.1 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.

334.1.1 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.

Employees are expected to write police reports on a computer, using department approved software or forms. Handwritten reports may only be submitted when it is impossible to do so or the required report form is not available in a digital format. When a handwritten report or form is submitted, it 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.

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.

Police Officers, once dispatched or on-scene at a call, shall not refer the reporting party to an alternate reporting method.

334.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

334.2.1 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, regardless whether the victim desires a report, the incident shall be documented in the form of a written crime report.

(c) In every case where any force is used against any person by police personnel

(d) All incidents involving domestic violence

(e) All arrests

334.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) When required by Department Policy and/or a supervisor

(b) Anytime a person is reported missing, regardless of jurisdiction

(c) Any found property valued at $100 or more

(d) Any incident involving the death of a human being (see Death Investigations Policy in this manual)

(e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy in this manual)

(f) All protective custody detentions

334.2.3 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.

334.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a Police Department employee. Additionally, reports shall be taken involving damage to City property or City equipment.

334.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

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(a) The injury is a result of intentional drug overdose

(b) Attempted suicide

(c) The circumstances surrounding the incident are suspicious in nature so that criminal activity cannot be eliminated as a factor

(d) When required by Department policy and/or a supervisor

334.2.6 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 Bureau shall notify the California Department of Public Health (CDPH) of the incident, on a form provided by the state. Forms may be obtained from the CDPH website (Penal Code § 23685).

334.2.7 INCIDENTS NOT REQUIRING A POLICE REPORT
When an employee is clearing a call or incident where no police report is required by policy, the employee shall record in CAD or advise dispatch of the reason for clearance without a report (eg. Civil Problem, No Crime, Non-injury Collision, Unable to Locate).

334.3 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.

334.3.1 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms which are not available in digital format may be block printed as appropriate.

334.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should notify the reporting employee, stating the reasons for rejection. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner (generally within seven (7) calendar days).

334.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau 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 Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

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334.6 ALTERNATIVE REPORTING METHODS

The Riverside Police Department, in order to provide better customer service, offers alternative methods to make a police report for those who prefer not to wait for a police response. The Police Department allows members of the public the ability to make certain reports online or at the front counter of certain police stations. Not all types of incidents are appropriate for online or front counter reports, however. The types of incidents or circumstances that may be reported online or at the front counter are detailed in this policy.

The Communications Bureau may, under appropriate circumstances, offer a reporting party the option to use an alternative reporting method instead of waiting for a Police Officer to respond. The reporting party will make the decision whether to make use of an alternate reporting method or whether they prefer to wait for a Police Officer.

Front Counter:

Dispatchers may inform a reporting party of the ability to make a police report at the front counter if the call is occurring during regular business hours and the incident is of a type that can be reported at the front counter.

Online Reporting:

Dispatchers may inform a reporting party of the ability to make an online police report if the incident is of a type that can be reported online.

334.6.1 FRONT COUNTER REPORTS

The types of reports which may be made at the front counter are limited to the following:

(a) Theft reports, including attempts, with a loss not exceeding $10,000.

(b) Auto theft reports, including attempts.

(c) Embezzlement reports.

(d) Forgery reports.

(e) Fraud reports, limited to 484(g) PC and 529 PC

(f) Non-felony vandalism / malicious mischief reports.

(g) Reports made to file a restraining order with the Department.

(h) Violation of restraining order reports.

(i) Missing person and runaway reports without suspicious circumstances.

(j) Past reports for throwing substances at a vehicle.

(k) Past hit and run traffic collision reports.

(l) Past minor-injury traffic collision reports (no police reports will be taken for non-injury collisions).

(m) Defrauding an innkeeper reports.

(n) Lost or found property reports.

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(o) Supplemental reports excluding GTA recoveries.

(p) Annoying phone call reports.

(q) Suspicious circumstances or non-criminal incident reports.

334.6.2 ONLINE REPORTS

The Riverside Police Department allows the public to file police reports on its website for certain circumstances, provided the incident happened within the city limits, did not occur on a State Freeway, does not involve a loss of over $10,000, does not involve fraud, and there are no known suspects. The incidents for which an online report will be allowed are limited to the following:

(a) Illegal Dumping

(b) Lost Property

(c) Theft

(d) Theft of Utility Services

(e) Trespassing

(f) Vandalism

(g) Vehicle Burglary

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News Media Relations

335.1 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. The intent of the policy is to improve transparency by Department personnel and to encourage personnel to make independent judgments regarding what they may appropriately share with the media. Appropriate, good-faith release of information should be accompanied by the source's identity. Anonymous disclosure is usually indicative that the source knows that his or her information is not authorized and/or false.

335.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

335.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor or senior officer/detective on scene that has knowledge of the incident. Prior to releasing any information to the media, employees should refer to the RPD Officer Involved Shooting Policy, the RPD Temporary Custody of Juveniles Policy, and the RPD Death Investigation policy, as applicable, then consider the following:

(a) When an event being investigated is of such a spectacular or unusual nature as to stimulate general community interest, the news media will be notified. Generally, it is the responsibility of an Area Commander or Division Commander, or the senior officer at the scene to make such notifications; however, when there is an event of major proportions, the Public Information Officer or his/her designee, will assume responsibility for the release of information.

(b) The scope and content of each release of information must be determined according to the facts of each situation. Generally, a description of the circumstances which is not legally privileged and which will not prejudice the rights of suspects or interfere with an investigation will be made. Such determination is made by the Press Information Officer or his/her designee, Area or Division Commander, or the senior officer/detective/sergeant at the scene after consultation with the investigating officer/detective or other responsible authority.

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(c) A news reporters primary responsibility is to report the news by obtaining information and photographs at news worthy incidents. His/her opportunity to do so is infrequently momentary at an emergency scene. An officer sharing these circumstances with a news reporter should not unnecessarily obstruct the news reporter in the performance of his/her duty; however, members of the news media are neither impliedly nor expressly exempt from any municipal, state, or federal statute.

(d) News reporters may photograph or report anything they observe when legally present at an emergency scene. Where publication of such coverage would interfere with an official investigation or place a victim, suspect, or others in jeopardy, the withholding of publication is dependent upon a cooperative press, not upon censorship by the Department. Under such circumstances officers should advise the news reporters or their superiors of the possible consequences of publication; however, officers may not interfere with news reporter's activities as long as that performance remains within the confines of the law.

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

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

335.3 MEDIA ACCESS

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

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

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for

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the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

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

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

335.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers 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 news 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 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.

335.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. Examples of such restricted information include, but are not limited to:

(a) Confidential peace officer personnel information.

1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.

(b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)

(c) Criminal history information.

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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(e) Information pertaining to pending litigation involving this department.

(f) Information obtained in confidence.

(g) 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 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).

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

(i) Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

(j) Any requests for copies of related reports or additional information shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.)

(k) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).

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Subpoenas and Court Appearances

336.1 PURPOSE AND SCOPE

This policy 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.

336.1.1 DEFINITIONS

Subject to Recall - 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 if called back.

On Call - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone so that he or she may be directed to appear in court within one hour or a reasonable amount of time set forth by the court.

Ordered Back- Being ordered back is different from being placed on-call. When an employee is ordered back, he/she is excused by the judge and given a specific date and time to return,

Continued - When a case has been put off to a date in the future. The Court Services Unit will request a new subpoena when the case is continued.

Trailing Status - The term "trailed" means the case is in progress; however, the appearance date has been changed or arrangements have been made to accomodate a conflict. If a court appearance is trailed, all other procedures for service of a subpeona shall apply.

Mandatory Appearance - All subpoenas require an employee's physical appearance in the specified court unless the employee is placed on call, ordered back, called off or the case is trailed.

Call Off - When an employee that was subject to appearance on a subpoena has been notified that he/she is no longer required to appear.

336.2 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.

336.2.1 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 and Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to

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this department. In addition, subpoena service to an employee from the Court Services Unit is acceptable electronically through Court Notify or the City's e-mail system.

336.2.2 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.

336.2.3 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.

336.2.4 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

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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)). If a supervisor notifies the server and/or the attorney named on the subpoena, the supervisor shall notify court services of the refusal of service.

336.2.5 COURT STANDBY / ON-CALL / CALL OFF

To facilitate court on-call 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 personal phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on-call changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Once the jury trial process begins, employees may be placed on-call for a future date when that employee may be required to appear. In a criminal case, the Deputy District Attorney handling the case is the only person authorized to excuse an employee from on call status. Court Services, upon direction of the issuing authority of the subpoena, may also give notice of a release from an on-call status.

On-call notification is typically made via phone or City email system by the Court Services Unit. In the event an employee is contacted directly by a Deputy District Attorney and placed on-call, such information shall be relayed to Court Services as soon as practicable but before the close of the business day that the employee was placed on call and before entering the on-call compensation into Telestaff.

Call off notification shall be made by the Court Services Unit and may be done verbally or through the City email system. Any employee that was subject to appearance on a subpoena and has not been called off shall call the Court Services Hotline at (951) 826-2323 after 1800 hours the day prior to the court appearance. If the subpoenaed employee's name is not on the recording, the case has been called off. If an employee is contacted directly by the prosecuting attorney and called off, the employee shall notify the Court Services Unit.

In accordance with current practices, employees who are called off from an appearance on the same date of appearance shall receive the minimum compensation of 2 hours as outlined in Section 3.4 of the RPOA and RPOA Supervisory MOU.

336.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Riverside 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.

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336.2.7 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.

336.2.8 VOLUNTARY DISMISSAL OF CASE
Any employee who has been subpoenaed to court on a criminal or traffic matter, and who later requests that the prosecutor or court dismiss the case, shall submit a memo to his or her lieutenant, listing the case information and the reason for voluntary dismissal. The memo shall then be routed to records and archived along with the case or citation.

336.2.9 SUBPOENAS FOR EXPERT TESTIMONY
Employees may occasionally be subpoenaed for the purpose of providing expert testimony. Subpoenas for expert testimony shall be served on the supervisor of the affected unit. That supervisor shall then assign an employee to provide expert testimony in that matter, as appropriate. Expert testimony subpoenas should relate to a Riverside Police Department investigation. Employees will provide expert testimony in other agencies' investigations only with the approval of their Lieutenant or manager.

336.3 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 for court appearances. 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.

336.3.1 CIVIL 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.

336.3.2 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.

336.3.3 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.

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336.4 OVERTIME APPEARANCES

If the employee appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding and City Policy. (Refer to section FB4-1 of the City's Fringe Benefits and Salary Plan, RPOA MOU section 3.4, RPOA Supervisory MOU Section 3.4 and the Department's Overtime Compensation Requests Policy)

Overtime issues not covered by a specific collective bargaining MOU or policy shall require review by the Personnel Services Bureau Sergeant.

For RPOA and RPOA Supervisory members:

(a) All employees subject to physical appearance for court within the downtown area of Riverside will check in and out of the Court Services Unit. Employees subject to appearance for court outside of the downtown area shall check in and out with the Court Services Unit via email or phone.

(b) Unless otherwise directed to immediately do so by the Court Services Unit, contacting Deputy District Attorneys directly and outside of an employee's normally scheduled work hours will not constitute an overtime appearance and will not fall within the scope of Article 3 of the RPOA General and RPOA Supervisory MOU.

(c) Any appearances or responses to requests made by court services will fall under the provisions of Article 3 of the above listed MOU if the time is outside the regularly scheduled work hours.

(d) With the exception of the Moreno Valley Traffic Court, appearances outside the City of Riverside, employees shall receive compensation for time traveled to and from court on a time for time basis if the time exceeds the two hour minimum.

(e) Employees will not be compensated for travel time to their regular station in addition to travel time to and from their location of appearance.

(f) Employees not otherwise on duty at the time who choose to drive a marked patrol unit to court for the purposes of court testimony shall first obtain the approval of the on-duty Watch Commander and sign the vehicle out in accordance with the current marked vehicle procedures for extra duty assignments. Use of marked units for travel to and from court appearances is subject to the needs of field operations and availability of marked units.

(g) Employees electing to drive a marked unit to and from Riverside Superior Court, who are not otherwise on duty at the time, shall not be compensated for the time traveled to and from the station or courthouse.

(h) Same day call off- In accordance with current practices, employees who are called off from an appearance on the same date of appearance shall receive the minimum compensation of 2 hours as previously stated in section 336.2.5.

(i) For RPOA and RPOA Supervisory members assigned to Watch A only, overtime (2 hour minimum) shall begin at 0800 if the appearance is concurrent with their shift.

(j) Upon completion of testimony, Watch A employees whose court appearance is in conjunction with their previous shift may receive compensation for the time it takes

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to return to the station after court only if the court appearance time exceeds two or more hours.

(k) Same day recall - Employees who appear in accordance with a subpoena shall only be entitled to a single "2-hour minimum" occurrence per day. If the employee is ordered to return to the courtroom at a later time, on the same day, which is outside of the two-hour minimum, the employee may choose to remain in the courtroom until the appearance or leave the courtroom and check out with Court Services. Employees electing to leave the courtroom and return later on the same date will be compensated on a time-for-time basis upon their return. Those employees electing to remain in the courtroom or at the Orange Station are entitled to the compensations stated in the current MOU on a time for time basis.

(l) Trial preparation meetings with the District Attorney's Office, City Attorney's Office or other outside agency shall be coordinated through the Court Services Unit. If the appearance or meeting is in the downtown area, employees are to check in and out with the Court Services Unit. Employees subject to meetings outside the downtown area shall check out with the Court Services Unit via email or phone. For purposes of meetings, the 2 hour minimum shall apply as outlined in this policy and Section 3.4 of the RPOA and RPOA Supervisory MOU.

336.5 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.

336.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall obtain a copy of relevant reports and become familiar with their content in order to be prepared for court.

336.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire when testifying. 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. There shall be no exception for employees who are assigned to the Special Investigations Bureau or other plainclothes assignment.

336.6 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.

336.7 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

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which any of those entities are parties, will notify their immediate supervisor and the Court Services Unit without delay. The Court Services Unit will then notify Internal Affairs, 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.

336.8 ATTACHMENTS

The Citation Dismissal and Traffic Court Postponement forms are available on the department S drive at S:\Department Forms and Resources\Department forms\Officer Forms\Misc. Forms

See attachment: Citation Dismissal Form.jpg

See attachment: Request for Postponement of Traffic Court_Page_1.jpg

See attachment: Request for Postponement of Traffic Court_Page_2.jpg

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Reserve Officers

337.1 PURPOSE AND SCOPE

The Riverside 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.

337.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Riverside 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.

337.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment, this may be waived or modified for former Riverside Police Officers who are transitioning from full-time employment to Reserve Police Officer status.

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.

337.2.2 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.

337.2.3 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 replacement equipment as deemed necessary by the Reserve Coordinator.

337.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Personnel Bureau prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

337.3 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 Field

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Operations 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.

337.3.1 POLICY COMPLIANCE
Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

337.3.2 RESERVE OFFICER ASSIGNMENTS
All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

337.3.3 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

337.4 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.

337.4.1 TRAINING OFFICERS
The department shall utilize Officers from the Field Training Officers Program to train Reserves.

337.4.2 PRIMARY TRAINING OFFICER
Upon completion of the Academy, or in the case of a reserve officer who possesses a valid POST certificate, said reserve officer will be assigned to the Field Training Officer Program. The reserve officer will be required to complete the standard Field Training Officer Program required of all Riverside Police Officers per section 436 of the manual.

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337.4.3 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 Riverside 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.

337.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE
The reserve officer will successfully meet and complete all requirements set forth by the Riverside Police Department Field Training Officer Program (Policy 436).

337.4.5 COMPLETION OF THE FORMAL TRAINING PROCESS
When a reserve officer has satisfactorily completed the Field Training Program he/she may not be required to ride with any officer or be utilized as the department deems necessary.

337.5 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.

337.5.1 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.

337.5.2 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.

337.5.3 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.

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337.5.4 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department.

337.5.5 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 will be handled in the same manner as any other complaint/investigation involving a member of this department.

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.

337.5.6 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.

337.6 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.

337.6.1 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.

337.6.2 CONCEALED FIREARMS PROHIBITED
No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

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When a reserve officer has satisfactorily completed the Field Training Program 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 with the Riverside Police Department Reserve Officer Program.

337.6.3 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 as required by the department in accordance with the Department Firearms Policy.

(b) Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator

(c) Should a reserve officer fail to meet the qualification standards set by the department, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

337.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

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Outside Agency Assistance

338.1 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.

338.2 POLICY

It is the policy of the Riverside 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.

338.3 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.

338.3.1 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 Riverside Police Department shall notify his/her supervisor or the Watch Commander and the 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. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Watch Commander as soon as practical.

The Watch Commander 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.

338.4 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.

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338.5 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.

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RPD / UCR PD Radio Communicatuions Interoperability Protocol

339.1 PURPOSE AND SCOPE

To optimize direct communications in order to enhance safety for both RPD and UCR police officers, and to support the delivery of police services by both RPD and UCR PD at UCR and in the City of Riverside.

The activation of any radio interoperability equipment should be considered a routine matter to increase and improve the safety of officers from both departments. Radio interoperability between UCR PD and RPD should be activated during any incident, routine or emergency, in which officers from both departments are involved, within the limits of the City of Riverside, on the UCR Campus, or in any case in which the other department is handling another agency's call/incident. Any of these situations will be considered, for the purpose of this protocol, as a "joint operation."

339.2 PROTOCOL

339.2.1 UCR PD INITIATED SYSTEM ACTIVATIONS

(a) For any incident or call, UCR PD will activate the radio system on whichever RPD frequency is being used for that incident and it will notify RPD as follows:

1. Any responding/involved UCR PD officers will identify themselves and their "status," using their UCR PD 500-series badge number.
2. If a UCR PD dispatcher activates the system, then she/he will announce the activation on the air.

339.2.2 RPD INITIATED SYSTEM ACTIVATIONS

(a) Either RPD communications or field units can initiate activation of the radio system by contacting UCR PD communications. A UCR PD dispatcher will immediately activate the system.

1. UCR PD communications will announce the activation on the air. The requesting RPD unit(s) will then identify themselves and their status on the air, directing their communications to "UCR PD control."
2. Any RPD field or air unit with UCR PD radio system capabilities on-board may "come-up" on UCR PD talk-group "PD-1" and announce themselves, await acknowledgment, then continue with radio traffic.

339.2.3 RADIO TRANSMISSIONS

When the patch is activated, all officers/units must ensure that they do not transmit over other officers. Specifically, officers are expected to listen for a "10-33" alert tone or radio traffic before

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transmitting. There is an inherent delay in patching the two systems and all units should add a slight delay before every transmission to avoid missed or cut-off information.

339.2.4 EMERGENCY BROADCAST SITUATIONS

(a) As is normal procedure for both agencies, a "10-33" alert tone will be activated on the frequency with the emergency traffic restriction, by the agency initiating the emergency incident.

(b) If RPD is already "10-33" for an incident that UCR PD will be helping with, then prior to activating the patch, UCR PD communications will announce to UCR PD officers that the patch is being activated for (type of call) at (location), and that RPD is "10-33."

(c) If UCR PD is already "10-33" for an incident, then UCR PD communications will contact RPD via radio to advise of the incident type and location. RPD communications will then confirm the patch, indicating the preferred RPD frequency for the patch. UCR PD communications will then activate the patch on the appropriate RPD frequency. (In this way, RPD communications and RPD field units will hear the nature and location of the emergency simultaneously).

339.2.5 DE-ACTIVATION OF INTEROPERABILITY SYSTEM

Interoperability systems should be de-activated at the conclusion of joint operations. Immediately prior to de-activations, UCR PD communications will announce over-the-air "UCR PD control advising radio patch is being de-activated." If no further need for continued operation of the system is announced, then the system will be de-activated.

339.2.6 RESOLUTION OF RADIO INTEROPERABILITY PROBLEMS

Initial efforts at resolving problems arising from radio interoperability should be handled by the respective agencies' watch commanders.

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Registered Offender Information

340.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Riverside 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.

340.2 POLICY

It is the policy of the Riverside 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.

340.3 REGISTRATION

The Centralized Investigations Bureau Lieutenant shall establish a process to reasonably accommodate registration of sex and arson offenders. If it is reasonable to do so, an investigator assigned to the Sex Registrant Compliance Team should conduct the registration of sex and arson offenders in order to best evaluate any threat the person may pose to the community. The Records Bureau Manager shall establish a process to reasonably accommodate registration of drug offenders. The process in all registrations should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the Records Specialist from the respective bureau shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

340.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph and any other information required by applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

340.4 MONITORING OF REGISTERED OFFENDERS

The Centralized Investigations Bureau Lieutenant should establish a system to periodically, and at least once annually, verify that sex and arson registrants remain 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 but not limited to an Internet search or home visits of the declared residence.

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(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 Centralized Investigations Bureau Lieutenant should also establish a procedure to routinely disseminate information regarding registered offenders to Riverside Police Department personnel, including timely updates regarding new or relocated registrants.

340.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Riverside Police Department's website.

The Records Bureau Manager may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

340.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the Internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender's full name

(b) The offender's known aliases

(c) The offender's sex

(d) The offender's race

(e) The offender's physical description

(f) The offender's photograph

(g) The offender's date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

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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).

340.5.2 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).

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Major Incident Notification

341.1 PURPOSE AND SCOPE

Incidents that are of significant nature and that fall into listed criteria require notification to certain members of this department, city officials, or key personnel. It is critical that staff members are informed of certain incidents in order to

(a) Take appropriate action.

(b) Apprise their superiors.

(c) Properly address inquiries from members of the press.

341.2 POLICY

The Riverside 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.

341.3 MINIMUM CRITERIA FOR NOTIFICATION

The attached Critical Incident Notification Matrix provides a list of incident types as a guide for notification and is not intended to be all-inclusive.

341.4 NOTIFICATION RESPONSIBILITIES

The Watch Commander or his/her designee is generally responsible for making the appropriate notifications; however, certain critical incidents may require notification by other designated personnel. The Watch Commander or other designated employee shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander or other designated employee shall attempt to make the notifications as soon as practical. Notification should be made by referring to the attached Critical Incident Notification Matrix. Notification requirements during unspecified critical incidents shall be consistent for similar incidents identified in the Critical Incident Notification Matrix.

341.4.1 CRITICAL INCIDENT NOTIFICATION MATRIX MAINTENANCE

The Critical Incident Notification Matrix will be maintained by the Support Services Division and will be updated when needed, as follows:

- Changes in criteria
- Changes in command or key personnel
- Changes in notification procedures

See attachment: Notification Matrix.jpg

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Death Investigation

342.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

342.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

342.2.1 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.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).

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(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.

342.2.2 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.

342.2.3 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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342.2.4 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.

342.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

342.2.6 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.

342.2.7 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)).

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Riverside County Law Enforcement Administrators Association (RCLEAA) Guidelines for Death Investigations / Crime Scene / Autopsy

343.1 PURPOSE AND SCOPE

This guideline established a uniform approach to the investigation of deaths that occur within Riverside County.

343.2 BACKGROUND

At the request of the Sheriff-Coroner, R.C.L.E.A.A. established a technical working committee to formulate protocol guidelines for death investigations within the county. The purpose of the guideline is to establish a mutually acceptable and cooperative standard operating procedure for death scene investigation and autopsy. The first step toward uniform excellence in death scene investigation is to establish guidelines that can be followed by all agencies within Riverside County.

The guidelines are consistent with the National Guidelines for Death Investigation published by the U.S. Department of Justice and recommendations of the California Department of Justice for evidence collection. The adoption of, and adherence to, these guidelines will move all Riverside County agencies toward uniform excellence in medicolegal death investigations.

343.3 ARRIVING AT THE SCENE (VIOLENT, SUDDEN OR UNUSUAL DEATH

343.3.1 SECURING THE DEATH SCENE

(a) The investigating agency is responsible for the integrity of the scene and scene safety.

1. The investigating agency shall assess and/or establish physical boundaries.
2. The investigating agency is responsible for establishing a critical incident log.

343.3.2 NOTIFICATION OF SHERIFF-CORONER

NOTE: Appropriate personnel must make a determination of death prior to the initiation of the death investigation. The Sheriff-Coroner has no legal authority to enter a case until the person is in fact pronounced dead. The pronouncement of death determines jurisdictional responsibilities.

(a) The investigating agency will notify the Sheriff-Coroner's Bureau immediately.

1. Duties of the Sheriff-Coroner

(a) It is mandated that the Sheriff-Coroner inquires into and determines the cause, manner and circumstances of all violent, sudden or unusual deaths. (G.C. 27491)

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(b) The on-duty Deputy Coroner will consult with the investigating agency to determine the immediacy of response to the scene.

(a) In an unattended death case, after consultation with the investigating officer, the Deputy Coroner may choose not to respond to the scene. The investigating officer shall state how the decedent's identity was established, whether next of kin were notified and describe the location of the body. The Deputy Coroner will contact the family physician regarding signing the death certificate.

(c) Bodies shall not be moved or disturbed from position or place of death without permission of the Sheriff-Coroner. Violation is a misdemeanor per section 27491.2 of the California Government Code. "Custody and control of the body shall remain with the coroner at all times". "A peace officer may search the person of a deceased, whose death is due to a traffic accident, for a driver's license or identification card to determine if an anatomical donor card is attached." (G.C. 27491.3)

343.3.3 NOTIFICAITON OF OTHER AGENCIES

(a) The investigating agency is responsible for notification of allied agencies and additional resources (e.g., equipment, logistics).

1. District Attorney.
2. Department of Justice Crime Laboratory.
3. Sheriff's Forensics
4. Conduct Scene Briefing:

(a) The investigating agency should establish a staging area (entry point to scene, command post, etc.).

(b) The investigating agency will determine nature and scope of investigation.

(c) The investigating agency will assemble a death scene team, establish their respective responsibilities, and reassess the needed resources and approach to the scene processing.

343.3.4 INVESTIGATIVE TEAM 'WALK THROUGH"

(a) The investigative agency will designate the entry team for the investigative walk through, keeping the team limited in number. The entry team may include a representative of the District Attorney's Office and the Deputy Coroner. A Deputy District Attorney and Deputy Coroner should advise the investigative agency if they wish to participate in the walk through at the time of notification to preclude any needless delay of the walk through.

(b) The entry team will observe and evaluate all components of the death scene.

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(c) Photographic and/or video documentation of the scene should be accomplished prior to or during the investigative walk through or as soon as possible. Video feed to the command post may decrease the number of participants on the walk through. If the DDA and/or Deputy Coroner had declined participation in the walk through this videotaping may satisfy their investigative needs.

343.4 DOCUMENTING AND PROCESSING THE SCENE

343.4.1 PHOTOGRAPHS

The investigating agency is responsible for scene photographs.

(a) Take general and overall photographs of the scene in order to document the scene, its conditions, and orientation within the surrounding environment.

(b) Photograph the scene from different angles to provide various perspectives.

(c) Photograph specific areas of the scene to provide more detailed views of specific areas within the larger scene.

(d) The photographer, whether investigative agency or Sheriff-Coroner, will prepare to Photo Log detailing the number, location and details of all photographs taken.

343.4.2 DOCUMENTATION AND COLLECTION OF EVIDENCE

(a) The investigating agency is responsible for collection of evidence.

- NOTE: If the Deputy Coroner and the investigating agency agree that the death was a suicide, then any/all instruments used to commit the act will be retained by the Sheriff-Coroner. Suicide notes are property of the decedent's estate and shall be retained by the Sheriff-Coroner until released to the addressee or to the legal representative of the estate. (G.C. 27464) Any/all illegal drugs and illegal drug paraphernalia to be collected at the scene, or from the body at all death scenes, will be retained by the investigating agency. The Deputy Coroner will collect legal drugs (i.e. medication.)

(b) Documentation the collection of evidence by recording and photographing its location at the scene, time of collection, and time and location of disposition.

1. Photograph evidence as found.
2. Additional photographs should include identifying marker, scale and (compass) direction.

(c) Identify, secure, and preserve evidence with proper containers, labels, and preservatives.

343.4.3 DEVELOP DESCRIPTIVE DOCUMENTATION OF THE SCENE

NOTE: Both the investigating agency and the Sheriff-Coroner will document the scene based on their respective responsibilities.

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(a) Describe scene environment including odors, lights, temperatures, and other fragile evidence.

(b) Note if any evidence has been moved prior to photographic documentation.

(c) Diagram/describe in writing items of evidence and their relationship to the body with necessary measurements (even if the body has been removed). Trained personnel should accomplish crime scene measurements.

(d) Describe and document, with necessary measurements, blood and body fluid including volume, patterns, spatters, and other characteristics.

343.4.4 ESTABLISH PROBABLE LOCATION OF INJURY OR ILLNESS (INVESTIGATING AGENCY)

(a) Document location where death was confirmed.

(b) Determine, if possible, location from which decedent was transported and how body was transported to scene.

(c) Check body, clothing, and scene for consistency/inconsistency of trace evidence and indicate location where artifacts were found.

(d) Check for drag marks on body and ground.

(e) Document evidence of post-injury activity (e.g., clean up, concealment, etc.).

343.4.5 COLLECT, INVENTORY, AND SAFEGUARD PROPERTY AND EVIDENCE

(a) The investigating agency is responsible for the collection, inventory and safeguarding of all (property and) evidence recovered from the death scene, with the exception of that recovered from the body, (other than illegal drugs), which is the responsibility of the Deputy Coroner (See E, 3).

(b) A personal property inventory will be completed for all personal property obtained by the Deputy Coroner from a decedent's remains, a decedent's residence or any other sources during the investigation. Personal property may be released in the field to the next-of-kin when it has been determined not to be essential to the death investigation.

343.4.6 INTERVIEW WITNESS(ES) AT THE SCENE

Coordination between the criminal investigator and the death scene investigator is essential. Interviews conducted by the Deputy Coroner to establish identity of decedent and notification of next of kin must be conducted with the full knowledge of the lead criminal investigator.

343.5 DOCUMENTING AND PROCESSING THE BODY AT THE DEATH SCENE

343.5.1 PHOTOGRAPH THE BODY

(a) The investigating agency shall have the primary responsibility for photographing the body, which should include but is not limited to the following:

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1. Photograph the decedent as found.
2. Clothing and personal effects.
3. Identifying features such as marks, scars and tattoos.
4. Physical injury.
5. Therapeutic intervention.
6. Trace evidence (e.g., hairs, fibers, stains, and foreign material).
7. Scaled photographs shall be taken of blood and body fluid patterns, ligatures and bindings, wounds and other marking on the body such as soot and stippling, bite marks, contusions, etc.
8. Postmortem changes (i.e., lividity, decomposition).
9. Close up photographs of hands and feet as found in suspected or known homicides.

(b) The Sheriff-Coroner (or designee) shall photograph the body and scene for identification purposes and in order

343.5.2 WRITTEN DOCUMENTATION OF THE BODY

(a) Responsibilities of the investigating agency.

1. Location of the body relative to the scene.
2. Position (orientation) of the body (face up, down, on the side, hands crossed, etc.).
3. Written documentation of items photographed (E, 1, a 2-9).
4. Written documentation of other observations such as odor, body temperature, etc.

(b) Responsibilities of the Sheriff-Coroner.

1. Document post mortem changes relative to the decedent and the environment and records the presence or absence of:
   (a) Rigor mortis (stage, location on body, etc.)
   (b) Livor mortis (color, location, blanchability, etc.)
   (c) Body temperature (document method used and time of measurement)
   (d) Scene temperature (document method used and time)
   (e) Degree of decomposition (putrefaction, adipocere, mummification, skeletonization, etc)
2. Document type of wound(s) and location.

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3. Document any other observations that would assist in determining the cause, manner and mode (circumstances) of death.

343.5.3 COLLECTING EVIDENCE FROM HUMAN BODIES

(a) The Sheriff-Coroner has jurisdiction over the body of the deceased, any clothing and personal property (G.C. 27491).

(b) It is extremely important that any evidence collected from the deceased is collected with the knowledge and permission of the Deputy Coroner assigned to the case. Documentation shall be provided for any evidence collected from or on the body and retained by the investigating agency.

- NOTE: In the event of immediate potential loss and/or contamination of evidence (e.g., environmental factors, hazards, etc.), that evidence may be collected prior to the arrival of the Deputy Coroner. The Deputy Coroner shall be advised of what was collected, the manner in which it was collected, and the reason necessitating its immediate collection.

(c) The (investigating agency, in conjunction with) Deputy Coroner, shall facilitate the collection of evidence from the body at the scene. The following items, among others, shall be considered for collection:

1. Biological fluids/stains (e.g., semen, blood, saliva) on the body
2. Vaginal, anal, oral swabs
3. Clothing
4. Gunshot residue (e.g., GSR Kits, overlays)
5. Trace evidence (fibers, hair, tape lifts)
6. Weapons, foreign objects (e.g., knives, bullet fragments, wadding), unless embedded in the body.
7. Secondary, known victim blood sample, when possible, without compromising the integrity of the wound.
8. Foreign material (e.g., paint, soil, vegetation, etc.)
9. Insects, maggots, larvae
10. Swabs of known or apparent bite marks
11. All fingerprints

(d) Nothing shall be removed from the body at the scene without approval of the Sheriff-Coroner.

(e) Decedent's hands may be placed in paper bags, when appropriate.

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343.5.4 EVIDENCE HANDLING, PACKAGING AND PRESERVATION

(a) Treat all biological samples as infective material. Follow your agency's Blood Borne Pathogen plan.

1. Wear protective gloves at all times.
2. Dust mask should be worn if dealing with dried stain material.
3. Keep contaminated material away from face to prevent contact with mucous membranes.
4. After dealing with evidence, properly dispose of gloves and wash hands with germicidal soap.

(b) Package and handle evidence to prevent loss, contamination or cross-transfer.

1. Change gloves as needed.
2. Thoroughly clean or replace implements (e.g., tweezers) between sample collection.
3. Use a separate container for each item. 4. Each evidence container is to be labeled, sealed and initialed prior to transport.

(c) Biological evidence will deteriorate rapidly is not handled appropriately.

1. Air dry samples as soon as possible.
2. Biological stain evidence (e.g., blood, semen, saliva) shall be packaged in paper not plastic, and frozen as soon as possible (consideration must be given to bloody objects where latent print processing may be performed and freezing is not recommended).
3. Samples of bone or tissue should be packaged in plastic and frozen.

(d) Label all evidence containers with agency case number and a unique item identification number.

(e) Additional information pertaining to each evidence item should include but may not be limited to:

1. Description of the object
2. Location where found
3. Name of person collecting evidence
4. Date and time collected
5. Chain of custody

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343.5.5 DECEDENT IDENTIFICATION

(a) The Sheriff-Coroner shall facilitate identification of the decedent and shall take Polaroid photographs of the decedent.

(b) Examine personal effects, circumstances, physical characteristics such as scars and tattoos, and anthropologic data.

(c) Investigating agency may interview witnesses to assist in the identification process.

343.5.6 NOTIFICATION PROCEDURES
The Sheriff-Coroner is Responsible for Notification Procedures:

(a) Notification procedures will be coordinated between the investigating agency and the Sheriff-Coroner, but is the responsibility of the Sheriff-Coroner or his designee.

(b) Identify, locate and document notification of next of kin.

343.6 COMPLETING THE SCENE INVESTIGATION

343.6.1 MAINTAIN JURISDICTION OVER THE BODY
The Deputy-Coroner shall arrange for, document, and secure transportation of the body to the Forensic Center.

343.6.2 EXIT PROCEDURES
The investigating agency will perform exit procedures.

(a) Remove all personal equipment and materials (e.g., used disposable gloves, film wrappers, etc.) from the scene, and dispose of properly (e.g., biohazards, hazardous waste, etc.).

(b) Report and document any dangerous materials or conditions; advise on appropriate clean up procedures.

343.7 THE AUTOPSY

343.7.1 ATTENDANCE

(a) Attendance at the autopsy will be at the discretion of the Sheriff-Coroner. Normally the investigating agency and the District Attorney will attend. All guests will sign an attendance form.

(b) All attendees will be expected to wear OSHA mandated attire (e.g., cap, gown, masks, and booties).

343.7.2 EVIDENCE COLLECTION

(a) The Sheriff-Coroner is responsible for documentation and collection of specimens and evidence.

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(b) The following items, when appropriate, will be considered for collection: blood, urine, bile, vitreous, oral, rectal and vaginal swabs, scalp, pubic or other body hair, nail scrapings and clippings, hair combings, fibers or other trace, bite mark evidence, clothing.

(c) Finger and palm prints of the decedent will be obtained by the Sheriff-Coroner or Sheriff-Coroner designee under the direction of the forensic pathologist (prior to, during or following the autopsy): print cards shall be submitted to Cal I.D. and the investigating agency. Footprints will be obtained when appropriate (e.g.,when victim is found without shoes).

343.7.3 EVIDENCE AND SPECIMEN PACKAGING

(a) All evidence and specimens recovered at the autopsy will be under the control of the Sheriff-Coroner. The following guidelines will be adhered to:

1. All collected items will be packaged appropriately. Label all evidence containers with Sheriff-Coroner file number, investigating agency case number and the agency's unique item identification number, as well as the following:

(a) Description of the object

(b) Location where found

(c) Name of person collecting evidence

(d) Date and time collected

2. All evidence containers will be appropriately sealed with initials over the seal.

3. All toxicological evaluations shall be the responsibility of the Sheriff- Coroner or designee.

4. All microscopic evaluations shall be the responsibility of the pathologist.

343.7.4 DISPOSITION

(a) Transfer of evidence.

1. Non-biological evidence collected by the Sheriff-Coroner and retained by the Coroner Bureau will be transferred to the investigation agency.

2. Any transfer of evidence will be documented on a chain of custody sheet with a receipt being provided to each agency.

(b) Evidence is to be stored, secured and preserved appropriately.

343.7.5 AUTOPSY PHOTOGRAPHY

(a) Autopsy photography will be performed under the direction of the forensic pathologist, and be limited to no more than two photographers.

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- NOTE: The needs and concerns of the criminal investigator may differ from those of the pathologist. However, the investigating agency's direction to their photographer shall not impede or interfere with the pathologist while conducting the autopsy.

(b) The Sheriff-Coroner will provide one photographer, and the investigating agency should provide a photographer. On all autopsies involving Sheriff's Department cases only the Sheriff-Coroner Forensic photographer shall be used.

343.7.6 NEXT DAY AND WEEKEND AUTOPSIES
The Sheriff-Coroner will perform autopsies expeditiously, ideally within a day of death. The investigative agency and the District Attorney will be given adequate notice of the scheduled date and time.

343.8 SPECIFIC TEST REQUESTS ON SPECIMENS RETAINED BY THE SHERIFF-CORONER

343.8.1 SPECIAL TESTS
Requests for special tests must be made in writing, by fax or mail; the correspondence then becomes part of Sheriff-Corner case file.

343.8.2 SPECIMEN SPLITS
The Sheriff-Coroner and the District Attorney must approve all requests for "splits" or release of specimens.

343.9 HANDLING OF EVIDENCE AND SPECIMENS FROM DECEDENTS AND VICTIMS OF LIFE THREATENING INJURIES BY EMERGENCY MEDICAL SERVICES, EMERGENCY ROOMS, OPERATING ROOMS, HOSPITALS, AND OTHER DIAGNOSTIC OR TREATMENT CENTERS

343.10 RELEASE OF INFORMATION

343.10.1 HOMICIDE AND HIGH PROFILE CASES
It shall be the responsibility of the investigating agency to notify the Sheriff-Coroner Bureau in writing of information they do not want released on homicides and high profile cases. Normally, the information will be releasable when the cases is staffed by the District Attorney's office.

343.10.2 PENDING CAUSE OF DEATH
The Sheriff-Coroner will not routinely leave the cause of death as "pending" without sufficient justification due to the extreme hardship this imposes on the family of the decedent.

343.10.3 PRELIMINARY FINDINGS
The Sheriff-Coroner may, at his discretion, release preliminary findings prior to certifying the cause of death.

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343.11 CORONER REVIEW

343.11.1 OFFICER INVOLVED / IN-CUSTODY, HIGH-PROFILE DEATHS

(a) A Coroner Review is conducted for all officer involved and in custody deaths and certain high profile cases that come under the jurisdiction of the Coroner.

(b) The Sheriff's Administrative Investigations Unit is responsible for assisting the Sheriff-Coroner Bureau in assembling the facts presented for review.

(c) A Deputy Coroner is assigned to Sheriff's-Coroner's Administrative Investigation Unit (A.I.U.) and will respond to the scene to observe and collect information for the Sheriff-Coroner Review. The Deputy Coroner may assist in the follow-up investigation of the case if necessary for the Coroner Review.

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Identity Theft

344.1 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.

344.2 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 may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, 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.

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Employee Identification

345.1 PURPOSE AND SCOPE

The Department has adopted an identification policy to further enhance employee responsiveness to all members of the community.

On-duty uniformed employees shall furnish a business card containing their last name, initial of their first name, and their department four (4) digit identification number to any person requesting that information. In lieu of a business card, employees may provide this same required information to any person requesting such information on a sheet of note paper.

Personnel may be authorized to provide only their department four (4) digit identification number instead of their name. This provision is intended to be used during protests or other special events, must be approved by the Incident Commander for that specific event, and should generally not be used in normal, day-to-day operations.

345.2 RESPONSIBILITIES

Commands are responsible for maintaining a sufficient supply of business cards with the space designated for the uniformed employee's last name, initial of their first name, and their identification number left blank.

Employees are responsible for filling in their information on the business cards and carrying a sufficient supply with them while on-duty to furnish to any person requesting such information.

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Private Persons Arrests

346.1 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.

346.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

346.3 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.

346.4 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.

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1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

346.5 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.

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Bail Procedure

347.1 POLICY

Riverside Police personnel shall not accept bail (cash or bail bonds) at anytime. The arrested subject shall be taken to the Robert Presley Detention Center to post bail.

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Anti-Reproductive Rights Crimes Reporting

348.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

348.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

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

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

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

348.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the Records Bureau to complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) By the tenth day of each month, it shall be the responsibility of the designated Records Police Program Supervisor to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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Supervisory Adult Arrest Review

349.1 PURPOSE AND SCOPE

It is the policy of this Department to have a sworn supervisor review and approve or disapprove all adult arrests prior to booking the arrestee(s) in jail, or releasing the arrestee(s) with a citation or pending an arrest warrant when the criminal charge is a bookable offense.

349.2 RESPONSIBILITIES

The sworn supervisor's review shall minimally include:

(a) Confirmation that sufficient articulable probable cause exists to support an arrest for the charged offenses.

(b) A determination on whether the arrestee should be booked into jail, released with a citation or released pending an arrest warrant.

(c) A visual inspection of the arrestee(s).

(d) Address, as necessary, any complaints or concerns by an arrestee(s) in accordance with Department policy and practice.

349.3 PROCEDURE

(a) As soon as practical after an officer(s) arrests an adult and, if feasible, prior to the arrestee's transport to a booking facility or other law enforcement facility, or releasing the arrestee with a citation, the arresting officer(s) shall notify a sworn supervisor of the arrest.

(b) Once notified, the sworn supervisor shall respond to the location of the arrest and conduct a review in accordance with section B of this Policy, or if that isn't practical or prudent given the situation, the supervisor may conduct the review at a designated location away from the scene or at Police facility.

(c) When feasible, prior to end of their shift or as soon as practical thereafter with prior approval by a supervisor, arresting officers shall submit their police reports to be approved by the same sworn supervisor who conducted the arrest review. When the reviewing sworn supervisor is not available, the police report(s) may be submitted to another sworn supervisor. However, that sworn supervisor shall then assume full responsibility for reviewing the arresting officers' reports to ensure that sufficient articulable probable cause exists and is documented in the reports to support an arrest for the charged offenses.

(d) If the police report(s) do not contain all pertinent information to support the arrest, the reviewing sworn supervisor shall return the report(s) to the arresting officer(s) for revision.

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(e) Arresting officers shall document in their police reports the reviewing sworn supervisor's name and rank under a heading titled: Reviewing Sworn Supervisor.

349.4 EXCEPTIONS

In situations where there are no sworn supervisors available, the arresting officer shall as soon as practical notify the Watch Commander who may waive the Reviewing Sworn Supervisor requirement. When an exception has been granted the officer shall document in the report the name of the Watch Commander granting the exception.

Except for 23152 VC, all traffic violations that are handled by issuance of a citation but are for bookable offenses shall not fall under the requirements of this policy. However, sworn supervisors approving these traffic related arrest report(s) are responsible for ensuring that sufficient articulable probable cause exists and is documented in the reports to support an arrest for the charged offenses.

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Limited English Proficiency Services

350.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

350.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Riverside Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

350.2 POLICY

It is the policy of the Riverside Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

350.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Field Operations Division Commander or the authorized designee.

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

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(a) Coordinating and implementing all aspects of the Riverside Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

350.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, 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.

350.4.1 COMMUNITY OUTREACH

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

350.5 TYPES OF LEP ASSISTANCE AVAILABLE

Riverside Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

350.5.1 BILINGUAL STAFF

Employees utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established City of Riverside Human Resources Department Department procedures, a level of competence to ascertain whether the employee's language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions. The Police Department's Personnel Bureau will retain and maintain a list of certified interpreters. All employees used for communication with LEP individuals must demonstrate knowledge of the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter; including but not limited to the ethics requirements of interpretation. When bilingual employees of this department are not available, employees from other city departments who have the requisite training may be requested.

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350.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

350.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

350.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

350.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

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(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

350.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

350.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized 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 LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

350.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

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Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

350.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Riverside Police Department will take reasonable steps and will work with the Personnel Bureau to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

350.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

350.12 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 LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

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 request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

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350.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

350.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations 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.

350.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. 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. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

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350.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

350.17 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.

350.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Bureau Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Bureau Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

350.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Bureau Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Rebooking of Prisoners

351.1 PURPOSE AND SCOPE

The rebooking of a prisoner at the expiration of the 48-hour probable cause determination period in order to gain additional time, except as noted below, is prohibited.

351.2 PROCEDURES

(a) Upon notification that a prisoner will be released pursuant to PC §825(a)(1), the person receiving the information shall notify the Watch Commander who shall notify the on-call General Investigations Supervisor after normal working hours, or the investigating officer's Supervisor during normal duty hours.

(b) The Supervisor shall determine if:

1. The rebooking qualifies as an exception;
2. The prisoner can be arrested in connection with a separate and distinct crime;
3. An arrest warrant should be obtained through the on-call Deputy District Attorney and Judge;
4. No further immediate action will be taken by this Department.

(c) If necessary, the Supervisor will coordinate the arrest with the Watch Commander.

(d) The Supervisor will either by memorandum, voice mail or personal contact notify the assigned investigator for appropriate follow-up. The Supervisor should determine the reason for the release and take the necessary corrective action.

351.3 EXCEPTIONS

The prisoner may be rebooked if the Supervisor can demonstrate the existence of, and meet the burden of proof for:

(a) A Bona-fide emergency such as a great risk to the general public or extreme flight risk, or;

(b) Extraordinary circumstance.

Prior to rebooking a prisoner under the exception procedure, the Supervisor shall notify the General Investigations Bureau Lieutenant and the City Attorney to determine if the exception meets the legal requirement.

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Communications with Persons with Disabilities

352.1 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.

352.1.1 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.

352.2 POLICY

It is the policy of the Riverside 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.

352.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Field Operations Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Riverside Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

352.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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352.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

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

352.6 TYPES OF ASSISTANCE AVAILABLE

Riverside 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.

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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

352.7 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.

352.8 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).

352.9 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).

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

352.10 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.

352.11 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.

352.12 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.

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352.13 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.

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.

352.13.1 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.

352.14 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

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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

352.15 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.

352.16 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 make other accomodations, 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.

352.17 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.

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352.18 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.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Bureau Manager 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 reasonable intervals thereafter. The Training Bureau Manager 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.

352.18.1 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 the 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 also be provided at reasonable intervals thereafter.

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Mandatory Employer Notification

353.1 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.

353.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

353.2.1 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 § 11590 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 and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

353.2.2 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 § 11590 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 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).

353.2.3 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 § 11590 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 his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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353.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11590 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).

353.2.5 POINTS OF CONTACT

To ensure compliance with this law, the arresting officer shall immediately notify his/her supervisor of the arrest of a school employee within "one (1) hour of the arrest." Upon determining that the case meets the criteria listed, the supervisor shall notify the arrestee's employer within "one (1) hour of the officer's notification, if practicable, but no later than four (4) hours after the arrest." Notification can be by telephone or in person as follows:

(a) Public Schools (all employees) - Superintendent of schools for the school district employing the employee.

(b) Private or out-of-county schools (teachers and non-teachers) - Employer or supervisor for the private or out-of-county school.

(c) The officer shall note in his/her report the employing school district and school site, and the school authority notified. The report shall be forwarded to the investigations division. The detective assigned the case shall notify his/her supervisor immediately.

(d) The sergeant assigned to the unit receiving the report shall ensure the following:

1. That telephone notification has been made to the appropriate authorities or make the notification immediately; and

2. Notification in writing has been made to one or more of the following agencies as they apply:

- Public Education (Teachers)

Commission for Teacher Preparation and Licensing

PO Box 944270, Sacramento, CA 94244-2700

Attention: Human Resources

- Public Education (Non-Teachers) - Appropriate Superintendent of Schools for the district employing the non-teacher employee.

- Community College Teachers

Office of The Chancellor of The California Community Colleges

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1109 9th St, Sacramento, CA 95814

Attn: Legal Division

- State or Private University School Teachers - Applicable school employer.

353.3 POLICY

The Riverside Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

353.4 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).

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Biological Samples

354.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

354.2 POLICY

The Riverside Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

354.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

354.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

354.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

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354.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

354.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

354.6.1 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

354.6.2 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

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Chaplains

355.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Riverside Police Department chaplains to provide counseling or emotional support to members of the Department, their families, and members of the public.

355.2 POLICY

The Riverside Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

355.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Having an ecclesiastical endorsement from their faith group, certifying that they are:

1. Endorsed, ordained, licensed, or commissioned as a clergy person in their denomination or faith group
2. Qualified to serve as a Chaplain

(b) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(c) Managing their households, families and personal affairs well.

(d) Having a good reputation in the community.

(e) Successful completion of an appropriate-level background investigation.

(f) A minimum of five years of successful counseling experience.

(g) Possession of a valid driver license.

(h) Being at least 21 years of age.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

355.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Riverside 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.

355.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

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(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police or designee 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.

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.

355.5 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.

Chaplains will be issued Riverside Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Riverside 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.

355.6 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 Support Services 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 other 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.

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(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(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.

355.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Field Operations 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 Riverside Police Department.

355.7.1 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.

355.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Thursday at 5:00 PM and ending on the following Thursday at 5:00 PM.

(b) Generally, each chaplain will serve with Riverside Police Department personnel a minimum of ten hours per month.

(c) Chaplains shall be permitted to ride with officers during any shift and observe Riverside Police Department operations, provided the Watch Commander has been notified and has approved the activity.

(d) Chaplains shall not be evaluators of members of the Department.

(e) In responding to incidents, a chaplain shall never function as an officer.

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(f) 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.

(g) Chaplains shall serve only within the jurisdiction of the Riverside Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(h) 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.

(i) Chaplains shall not be in possession of a firearm while on duty.

355.7.3 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.

355.7.4 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.

(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.

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355.7.5 CHAPLAIN MEETINGS
All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

355.7.6 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.

355.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Riverside 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 Riverside Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

355.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Bureau Manager, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality

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- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

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Peer Support Program

356.1 PURPOSE AND SCOPE

The Riverside Police Department Peer Support Program was established to provide assistance, support, and appropriate referrals to employees when personal or professional problems negatively affect their work performance, family unit, or self.

The program is designed to provide support during and after a crisis, promote trust, provide for anonymity, assist employees with personal conflicts, and assist employees in dealing with personal tragedies and illnesses.

The Peer Support Program is a self-help program designed to provide support on a short-term basis during times of grief, stress, or other personal challenges.

The Peer Support Program is not intended to replace departmental representatives or attorneys in offering legal advice during criminal and/or administrative proceedings.

The Peer Support Program is not intended to replace mental health or other professionals, yet can assist with appropriate referrals to such resources.

356.2 PROGRAM ORGANIZATION

The Program Coordinator will be the Deputy Chief of Administration. The Program Coordinator will be the chief administrative officer of the program.

356.2.1 ADVISORY BOARD

The Peer Support Advisory Board:

(a) Shall consist of the program coordinator, advisory board chairperson, and five peer support members.

  1. This board, on occasion, may seek a volunteer licensed psychologist/ psychiatrist to sit on the board on an ad hoc basis.

(b) Will oversee the daily operations of the Peer Support Program

(c) Will be selected by current Peer Support Members, subject to approval by the Program Coordinator\

(d) Will review and select new Peer Support Members

(e) Will maintain an accounting of the number of contacts or referrals

(f) Will offer guidance to Peer Support Members challenged with specific problems

(g) Will coordinate follow-up by Peer Support Members when referrals are made to outside services.

356.2.2 CHAIRPERSON

The Peer Support Advisory Board Chairperson:

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(a) Shall be selected by a majority vote of the Peer Support Advisory Board

(b) Shall insure that the goals and directives of the program are maintained

(c) Shall act as a liaison between the Program Coordinator and the Advisory Board

(d) Will assist with peer support training; (e) Will schedule and preside over quarterly Peer Support Program meetings

(e) Shall be a Collateral Duty Assignment.

356.3 MEMBER SELECTION

Any interested employee who chooses to volunteer as a Peer Support Member may, upon approval of his/her commanding officer, become involved subject to the following guidelines:

(a) Requests must be submitted to the Peer Support Advisory Board Chairperson, or his/her designee.

(b) The employee must be off probation and have a satisfactory or higher annual evaluation.

(c) The Peer Support Advisory Board will discuss and recommend candidates to the Program Coordinator for final approval.

(d) All Peer Support Members must agree to maintain confidentiality within the guidelines of this policy.

(e) All Peer Support Members must be willing to volunteer their time.

(f) All Peer Support Members must attend and successfully complete a POST certified Basic Peer Support Course. Updates and Advanced Peer Support courses shall be scheduled as needed.

(g) All Peer Support Members will be asked to sign a Memorandum of Understanding (M.O.U.).

(h) All Peer Support Members serve at the discretion of the Program Coordinator (Deputy Chief of Administration), and will be removed from participation in the program for conduct inconsistent with the program policy and objectives.

(i) A Peer Support Member may temporarily remove himself/herself from the program by submitting a resignation letter to the program Coordinator or Chairperson.

356.4 MEMBER RESPONSIBILITIES

The Peer Support Member is not exempt from federal, state or local laws, or the rules and regulations of the Department. If a conflict arises where judgment regarding the confidentiality of a contact is necessary, the Peer Support Member should consult with the Program Coordinator or Advisory Board Chairperson for assistance and guidance. The Peer Support Member shall:

(a) Provide assistance on a voluntary basis.

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(b) Convey trust and anonymity within the confines of the law.

(c) Refer the employee to the appropriate outside resources when necessary.

(d) Maintain contact with the Program Coordinator and Advisory Board Chairperson regarding program activities.

(e) Agree to be contacted and to respond if necessary at any hour to assist an employee in need.

(f) Attend training as required.

(g) Preserve confidentiality.

356.5 CONFIDENTIALLY

One of the most important responsibilities of a Peer Support Member is the promotion of trust, anonymity, and confidentiality for employees who seek the assistance of the Peer Support Program. Communication between a Peer Support Member and a counselee is considered privileged by the Department with the following exceptions:

(a) Where child abuse is known or suspected.

(b) Where elder abuse is known or suspected.

(c) Where, under the Tarasoff decision, there is reason to believe that the counselee intends to seriously injure another person.

(d) Where, due to substance abuse, the counselee is a clear and present danger to self, citizens, or fellow officers.

(e) Where the counselee is involved in criminaly activity.

(f) Serious misconduct (violations of Department policy that could or would be grounds for termination); and

(g) Where divulgence is requested by the counselee.

In these cases, the Program Coordinator (Deputy Chief of Administration) or the Advisory Board Chairperson will be notified. The intended victim shall also be warned. The Deputy Chief of Administration or on-duty Watch Commander shall make this notification. Sworn employees who become Peer Support Members cannot abdicate their responsibilities as police officers. If concerns arise, Peer Support Members shall contact the Program Coordinator or Advisory Board Chairperson.

356.5.1 EVIDENCE CODE §1040

Confidentiality within the Peer Support Program is provided for under Evidence Code Section 1040 under the following circumstances:

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(a) The information is acquired in confidence by a Peer Support Member in the course of his/her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made.

(b) Disclosure of the information is against the public interest when the necessity of preserving confidentiality outweighs disclosure in the interest of justice.

356.6 ADMINISTRATIVE INVESTIGATIONS

It may occur that a Peer Support Member is counseling an individual who is currently, or becomes, the subject of a administrative investigation. A Peer Support Member should be guided by the confidentiality policy of the Peer Support Program. He or she should not volunteer any information received in confidence; however, Peer Support Members may not hamper or impede the actual investigation, nor may they attempt to shelter the individual from the Department's investigation.

The Peer Support Member's role in an administrative investigation should be one of support, addressing the stress individuals may encounter during the administrative investigation process. If Peer Support Members have any questions or concerns regarding these situations, they should consult the Program Coordinator for guidelines and assistance.

356.7 CALL-OUT PROCEDURES

Each employee of the Department will be provided a list of the names of the Peer Support Members. The on-call Peer Support Member can be reached at 951-830-8072.

In the event of an on-duty critical incident, a Peer Support Member shall respond in person to offer assistance. It will be the responsibility of the Watch Commander to notify Peer Support. If the involved employee desires, he or she may request a particular Peer Support Member. An on-call rotation calendar shall be established by the Peer Support Advisory Board, and disseminated to Communications and Field Operations.

At the discretion of the Watch Commander, and upon review of staffing, an on-duty Peer Support Member can be summoned to assist.

356.8 DEPARTMENT PROCEDURES

A support session shall be conducted normally on the employee's and Peer Support Member's off-duty time. Should an emergency require that a Peer Support Member be utilized during on-duty time, his or her response will be at the discretion of the concerned supervisors. Supervisor approval shall be accomplished with due regard for confidentiality.

Peer Support Members shall not be reimbursed for mileage or the use of private telephones for peer support business. However, the use of Department vehicles and telephones can be authorized if within Department policy and approved by a supervisor.

The Peer Support Program is sanctioned by the Department. Therefore, an injury sustained while conducting a peer support session may be reviewed as an on-duty incident by the Department for purposes of worker's compensation.

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Peer Support Members shall notify Communications at the inception and completion of their assignment in the event of a call out pursuant to a critical incident.

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Public Safety Video Surveillance System

357.1 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.

357.2 POLICY

The Riverside 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.

357.3 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.

357.3.1 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.

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(d) To assist in identifying, apprehending and prosecuting offenders.

(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 the 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 the Communications Center personnel 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.

357.3.2 TRAINING

Personnel involved in video monitoring will be appropriately trained and supervised.

357.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. 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.

357.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

357.4.1 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.

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Public video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

357.5 REVIEW OR RELEASE OR OF VIDEO IMAGES

The review or the release of video images shall be done only with the authorization of the Chief of Police or his/her designee and only with a properly completed written request. Video images needed for a criminal investigation or other official reason shall be collected and booked in accordance with current departmental evidence procedures.

357.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be 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, digital masking of innocent or uninvolved individuals to preserve anonymity, 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.

357.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM

The Chief of Police or his/her designee will conduct an annual review of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of the purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

357.7 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.

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Child and Dependent Adult Safety

358.1 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 Adult Abuse policies.

358.2 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 Riverside 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.

358.3 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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358.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered 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.

358.3.2 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 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)).

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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.

358.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

358.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

358.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

358.5 TRAINING

The Training Bureau Manager 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).

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Service Animals

359.1 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).

359.1.1 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)).

359.2 POLICY

It is the policy of the Riverside 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.

359.3 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.

359.4 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 Riverside Police Department affords to all members of the public (28 CFR 35.136).

359.4.1 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.

359.4.2 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.

359.4.3 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.

359.4.4 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

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animals to the concerned parties. Businesses are required to allow service animals to accompany 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).

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Volunteer Program

360.1 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.

360.1.1 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 student interns or civilian volunteers involved in the Citizens On Patrol program and others, in accordance with this policy.

360.1.2 STUDENT INTERNSHIP PROGRAM

(a) Purpose: The purpose of the Student Internship Program is to provide educational enrichment, research opportunities, and early career exploration for local college and university students.

(b) Guidelines:

1. Internship is voluntary and is arranged through the Volunteer Coordinator.
2. Service is not compensated. Student Interns are considered volunteers and are not City employees.
3. The Police Department reserves the right to limit the number of interns per term.
4. The intern must commit to 8-10 hours per week of service. Shift work may be involved.
5. Minimum requirements:
   (a) Currently enrolled in a collegiate degree or certificate program
   (b) Maintain a 2.5 GPA
   (c) Be at least 18 years of age
   (d) Have no felony convictions
   (e) Have no outstanding warrants for arrest

(c) Application Process:

(a) Students should apply through the City Human Resources Department as a "Municipal Volunteer."

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(b) A background check and fingerprinting must be successfully completed.

(d) Assignment:

(a) The Division Commander will notify the Volunteer Coordinator of openings in their Division.

(b) The assigned unit supervisor will supervise the student and participate in the evaluation process.

(c) Assignments are for one year with an optional six-month extension.

360.1.3 CITIZENS ON PATROL PROGRAM

The primary mission of the Riverside Police Department's Citizens On Patrol Program is to develop community awareness and involvement through the formation of a partnership between neighborhoods and the Police Department. The function of the Riverside Police Department's Citizens On Patrol Program will be to observe and report criminal or suspicious activities.

(a) The Citizens On Patrol Program will be operationally assigned to Field Operations for work schedules and duty assignments. The Volunteer Services Coordinator assigned to Personnel Services Division shall be responsible for hiring, training, general supervision, and other administrative functions.

(b) The primary uses of the Citizens On Patrol Program will be:

1. Under the direction and training of the Police Department, provide additional "eyes and ears" within neighborhoods throughout the City of Riverside.

2. To build community relations by giving citizens the opportunity to become more involved within their neighborhoods and to become more familiar with the services provided by the Police Department.

3. To supplement the existing Neighborhood Watch Program with a "mobile" component, provide additional patrol services such as vacation checks, graffiti reporting, traffic direction, and other duties or programs as selected by the Police Department.

(c) Participation Requirements - Persons desiring to participate in the Citizens On Patrol Program must:

1. Be at least 18 years of age

2. Possess a valid California Driver's License

3. Maintain a satisfactory driving record

4. Have no felony convictions

5. Have no outstanding warrants for arrest

6. Successfully complete a background check and fingerprinting

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(d) Rules and Regulations:

1. Citizens On Patrol members will adhere to the basic policies and procedures as set forth in the Riverside Police Department Volunteer Manual and the Riverside Police Department Neighborhood Watch Mobile Patrol Manual.

2. Citizens On Patrol members will operate in full compliance with the laws of the State of California, the ordinances of the City of Riverside and any other written instrument supplied by the Riverside Police Department.

3. Citizens On Patrol members will not conduct business, obligate funds or resources in the name of the City of Riverside, nor the Riverside Police Department.

4. Members of the Citizens On Patrol Program are not peace officers. Members are concerned citizens who have taken time to become involved in the reporting of criminal offenses. At no time should a member of this program indicate or infer that he/she has any more authority than the average citizen.

5. NO WEAPONS ARE AUTHORIZED. Any patrol member found in possession of a weapon will be immediately terminated from the program.

6. Patrol members shall behave in a professional manner at all times. Foul language, horseplay, or any behavior that brings discredit on the City of Riverside or Riverside Police Department, is strictly prohibited and will be grounds for dismissal from the program.

7. Derogatory comments or actions regarding age, sex, race, creed, ethnic origin, religion, or any other attribute are strictly prohibited and will be grounds for dismissal from the program.

8. Atire:

   (a) Patrol members will wear an authorized uniform provided by the Riverside Police Department. The uniform will be neat and clean.

9. Alcoholic Beverages/Controlled Substances:

   (a) Any person reporting for duty with the odor of an alcoholic beverage on his/her breath or under the influence of alcohol or any drug (whether legally prescribed or otherwise) will be terminated from the program.

10. At no time will any member pursue suspects, make any suspect contact without a police officer present, or become involved in the physical arrest of a suspect.

11. A volunteer of the Citizens On Patrol Program may be dismissed from the program for failure to comply with the Riverside Police Department Policy or Procedures, or the Department's "Rules of Conduct" outlined in the Volunteer Manual.

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(e) Instructions:

(a) Volunteers participating in the Citizens On Patrol Program will receive instruction on the following topics prior to participating in field activities:

(a) Civil Liability/Court Testimony

(b) Laws of Arrest

(c) Patrol Procedures/Vehicle Operations

(d) Basic Traffic Control

(e) Basic First Aid

(f) Radio Communications

(g) Specific topics related to Neighborhood Watch/Crime Prevention

(h) "Ride A Long"

(i) Applicable Department Policy and Procedure

(f) Program Guidelines:

1. In addition to the policies and procedures set forth in the Riverside Police Department Volunteer Manual, the following will apply:

(a) Chain of Command

1. Patrol members will be scheduled and coordinated by the Volunteer Coordinator.

2. While in the field, patrol members will be supervised by patrol supervision.

(b) In the event members need assistance or have questions, they shall contact patrol supervision or the Volunteer Services Coordinator.

2. The Volunteer Services Coordinator or his/her designee will coordinate availability of volunteers for patrol activities, and conduct volunteer meetings.

3. All citizen patrols during hours of darkness will consist of at least two members.

4. Vehicle Operations:

(a) Volunteers are prohibited from using personally owned vehicles for patrols.

(b) Volunteers will conduct a safety check of the city vehicle used at the beginning of each patrol, ensuring the vehicle is in good mechanical operating condition. Any needed repairs shall be reported to Fleet Services.

(c) Seatbelts shall be worn when riding in a city vehicle.

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(d) Smoking is prohibited in city vehicles.

(e) Patrol members shall adhere to all rules of the road, and operate their vehicle in a safe and courteous manner. At no time shall a patrol member commit any traffic violation in an effort to observe or report a suspicious activity or criminal offense.

5. Surveillance Operations:

(a) A patrol member's primary function is to OBSERVE AND REPORT any suspicious and/or criminal activity in the assigned patrol area. Patrol members shall report any such activity to Police Dispatch.

(b) At no time shall any member pursue suspects or make any suspect contact without a police officer present or become involved in the physical arrest of a suspect.

(c) Should patrol members be approached by other citizens, they are to explain that they are members of the Citizens On Patrol Program. If the citizen is still concerned, the patrol member shall advise them to contact Police Dispatch.

(d) Should a patrol member be approached by anyone he/she feels is a threat, he/she shall immediately leave the area and notify Police Dispatch.

6. Arrests:

(a) Patrol members are prohibited from taking direct enforcement action when a criminal offense is observed.

(b) After a criminal offense is observed and Riverside Police Department officers have detained possible suspect(s), citizen patrol members may be called upon to make private party arrests in those instances where the offense did not occur in the officers' presence. Patrol members will be asked to identify the suspect(s), sign a Riverside Police Department Private Person Arrest Form, and delegate the act of taking the suspect(s) into custody to the officer(s).

(c) After the arrest, a report will be submitted to the District Attorney's Office. If a criminal complaint is filed, patrol members will be required to attend any and all court appearances to testify if subpoenaed.

(g) Liability:

1. Intimidation or using threats of physical harm to coerce an arrested person to cooperate or confess to a crime will taint any criminal case. This may result in a civil action against the offending party.

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2. Only reasonable force, which is necessary to protect one's self is permissible. Force used beyond these guidelines may be deemed excessive and may result in criminal prosecution and/or civil action.
    (a) Policy guidelines of the Citizens On Patrol Program prohibit members from becoming involved in the physical arrest of a suspect.
3. Should a Citizens On Patrol member cause the arrest of an innocent person in good faith, he/she may be excused from criminal prosecution. However, he/she may be held accountable in a civil action.

360.2 VOLUNTEER MANAGEMENT

360.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Community Services Bureau Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

360.2.2 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

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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.

360.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator and/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 limited to, the following:

(a) Traffic and criminal background.

(b) Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

(c) Employment verification

(d) Reference check

(e) Medical clearance from applicant's physician may be required depending on assignment.

(f) A polygraph examination may be required if deemed necessary by the Community Services Commander.

360.2.4 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 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.

360.2.5 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.

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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.

360.2.6 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.

360.2.7 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 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.

360.3 SUPERVISION OF VOLUNTEERS

Each volunteer 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.

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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 Police Department employee.

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.

360.4 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.

360.5 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.

360.5.1 VEHICLE USE

Volunteers assigned to duties or assignments that require the use of a vehicle must first:

(a) Complete a driving safety briefing and department approved driver safety course.

(b) Possess a valid California Driver License.

(c) Provide proof of current vehicle insurance.

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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.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service. Volunteers are not authorized to operate a Department vehicle Code-3.

360.5.2 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.

360.6 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.

360.6.1 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.

360.7 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.

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Honor Guard

361.1 PURPOSE AND SCOPE

The Honor Guard is the official ceremonial unit of the Riverside Police Department. Its purpose is to represent the Department and to act as a goodwill ambassador.

361.2 GENERAL PROVISIONS

361.2.1 STAFFING

The Riverside Police Department Honor Guard shall consist of one (1) Sergeant, and sixteen (16) Officers/Detectives. Assignment to the Honor Guard is considered a collateral assignment. Assignments will be for an indefinite time span, serving at the leisure of the Chief of Police; however, members are expected to give a minimum two-year commitment to the program.

361.2.2 HONOR GUARD REQUESTS

Honor Guard requests shall be made via the Office of the Chief of Police. Assignments will be determined on an individual basis by the Chief of Police or the Honor Guard Commander.

361.2.3 DUTY STATUS AND COMPENSATION

Honor Guard assignments will be considered the officers' duty assignment for that date. Officers will earn overtime or an adjusted day off for assignments occurring on their regularly scheduled day off.

361.3 ORGANIZATION

Officers assigned to the Honor Guard will report to the Chief of Police or his/her designee who shall be of command rank and titled the Honor Guard Commander.

361.4 RESPONSIBILITIES

361.4.1 HONOR GUARD COMMANDER

(a) Administrative functions, equipment control, and staffing

(b) Appointment of Honor Guard Coordinator of command rank

(c) Approval of training time

(d) Emergency authorization to activate the Honor Guard when time or circumstances do not allow for requests to proceed through the normal chain of command.

361.4.2 HONOR GUARD SUPERVISOR

(a) Routine direction and inspection of Honor Guard Officers

(b) Approval of all overtime requests

(c) Assist the Honor Guard Coordinator as needed

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361.4.3 HONOR GUARD COORDINATOR (OFFICER/DETECTIVE)

(a) Planning and execution of all Honor Guard activities

(b) Staffing and implementation for Honor Guard for assignments

(c) Maintaining records and all equipment necessary for the Honor Guard

361.4.4 HONOR GUARD MEMBERS (OFFICERS/DETECTIVES)

(a) Maintain a dress uniform in compliance with RPD Policy 1046. The entire Honor Guard uniform should be in a "Ready for Inspection" condition

(b) All members of the Honor Guard Unit are expected to adhere to strict groomingstandards, maintain a trim physical condition, and a military appearance

(c) Each officer should be prepared to respond to Honor Guard assignments with 24 hours notice

(d) Maintain availability for Honor Guard training

361.4.5 DEPARTMENT

(a) Issue each member of the unit a specially tailored "Class A" uniform and accessories as described in section 1046 of this policy. The shirt will be tailored without a vest worn to eliminate the "bagging" effect under the arms. The trousers will have the front pockets sewn closed to eliminate the "puckering" effect on the trousers' side seams.

- The uniform will be issued specifically to be worn for Honor Guard assignments and will not be worn as a regular work uniform.

(b) Fleet Services will assign a marked police unit to be used for Honor Guard assignments. The unit will be returned to Fleet Services immediately upon completion of the assignment.

361.5 HONOR GUARD RIFLES

(a) M1 Garand rifles assigned to the Honor Guard will be stored and locked in the Honor Guard equipment locker located at the police station.

(b) The Rangemaster will document the weapons issued to the Honor Guard.

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Off-Duty Law Enforcement Actions

362.1 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 Riverside Police Department with respect to taking law enforcement action while off-duty.

362.2 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.

362.3 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.

362.4 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.

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(c) The lack of equipment, such as handcuffs, OC or baton.

(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.

362.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 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 if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Riverside Police Department officer until acknowledged. Official identification should also be displayed.

362.4.2 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.

362.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel 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.

362.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

362.5 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.

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Illness and Injury Prevention

363.1 PURPOSE AND SCOPE

The health and safety of the employees of the Riverside Police Department is important to executive and management staff, and critical to the operation of this department and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the Riverside Police Department, in accordance with the requirements of 8 CCR 3203 and the City's Safety and Health Policies and Procedures Manual. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring that these guidelines and directives are implemented.

363.2 RESPONSIBILITY

The Personnel Bureau Supervisor, acting as the Department’s IIPP administrator, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

363.3 COMPLIANCE

The Personnel Bureau Supervisor is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Personnel Bureau Supervisor and/or the employee's immediate supervisor should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

(a) Informing workers of the provisions of the IIPP.

(b) Ensuring that the employee evaluation process includes the employee’s safety performance.

(c) Ensuring the Department’s compliance with mandates regarding:

1. Bloodborne pathogens (8 CCR 5193).
2. Airborne transmissible diseases (8 CCR 5199).
3. Heat illness (8 CCR 3395).
4. Respiratory protection (8 CCR 5144).

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Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Personnel Complaints Policy.

All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

363.4 COMMUNICATION

Supervisors shall establish and maintain communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

(a) The Personnel Bureau Supervisor in concert wiht the City Safety Officer will ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:

1. New worker orientation, including a discussion of safety and health policies and procedures.
2. Regular employee review of the IIPP.
3. Workplace safety and health training programs.
4. Posted or distributed safety information.

363.5 HAZARD ASSESSMENT

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards utilizing the applicable sections of the Hazard Assessment Checklist to ensure a thorough inspection. These checklists can be found at on the California Department of Industrial Relations website. Safety inspections are coordinated through the City Safety Officer and the department's Personnel Bureau.

363.5.1 PERSONNEL BUREAU SUPERVISOR INSPECTION DUTIES

The Personnel Bureau Supervisor shall ensure an Identified Hazard and Correction Record (located on the California Department of Industrial Relations website) is completed for each inspection.

363.5.2 PATROL OFFICERS INSPECTION DUTIES

Officers are charged with daily vehicle inspection of an assigned vehicle and of personal protective equipment prior to working in the field. Officers shall complete an Identified Hazard and Correction Form if an unsafe condition cannot be immediately corrected. Officers should forward this report to their supervisor.

363.5.3 SUPERVISOR ASSESSMENT DUTIES

Supervisors should inform the Personnel Bureau Supervisor when the following occurs:

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- New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
- New, previously unidentified hazards are recognized.
- Occupational injuries and illnesses occur.
- New and/or permanent or intermittent workers are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
- Whenever workplace conditions warrant an inspection.

The Personnel Bureau Supervisor will take appropriate action to ensure the IIPP addresses potential hazards upon such notification.

363.6 ACCIDENT/EXPOSURE INVESTIGATIONS

Employees must report all injuries that are a result of a workplace accident and any hazardous substance exposure to an immediate supervisor. 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 visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident/exposure.
- Determination of the cause of the accident/exposure.
- Corrective action to prevent the accident/exposure from reoccurring.

363.7 HAZARD CORRECTION

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to an immediate supervisor.

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. 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 employees or property, supervisors should protect or remove all exposed workers from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

The Personnel Bureau and/or the City Safety Officer should be notified of all significant actions taken and dates they are completed.

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363.8 TRAINING AND INSTRUCTION

The Personnel Bureau Supervisor shall work with the Training Bureau and the City Safety Officer to ensure that all workers, including supervisors, are trained on general and job-specific, workplace safety and health practices. Training shall be provided as follows:

- To all new employees for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
- To all workers given new job assignments for which training has not previously been provided.
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- Whenever the department is made aware of a new or previously unrecognized hazard.
- To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
- To all workers with respect to hazards that are specific to each employee's job assignment.
- An explanation of the department’s IIPP, emergency action plan and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.
- The use of appropriate clothing, including gloves, footwear and personal protective equipment.
- Information about chemical hazards to which employees could be exposed.
- The availability of toilet, hand-washing and drinking-water facilities.
- Provisions for medical services and first aid, including emergency procedures.
- Steps to prevent heat illness (8 CCR 3395).

363.9 RECORDKEEPING

The City Safety Officer implements and maintains IIPP records pursuant to the city's Safety and Health Policies and Procedures Manual.

363.10 TRAINING SUBJECTS

The Personnel Bureau Supervisor should work with the Training Bureau and the City Safety Officer to ensure training is provided on the following topics:

- Driver safety
- Safe procedures for handling, cleaning and/or storing weapons
- Good housekeeping and fire prevention

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- Back exercises/stretches and proper lifting techniques
- Lock-out/tag-out procedures
- Hazardous materials
- Building searches
- Slips and falls
- Ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods
- Personal protective equipment
- Respiratory equipment
- Hazardous chemical exposures
- Hazard communication
- Physical hazards, such as heat/cold stress, noise, and ionizing and non-ionizing radiation
- Bloodborne pathogens and other biological hazards
- Other job-specific hazards

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Riverside Reward Program

364.1 PURPOSE AND SCOPE

The Riverside Reward Program establishes a procedure for offering monetary rewards for information that leads to the identification and apprehension of any person whose willful misconduct results in injury or death to any person, or who willfully damages or destroys any property. Additionally, it creates a partnership between the community, police, and city government by which citizens can feel secure providing information on unsolved crimes and/or outstanding suspects.

A request for a reward offer may originate from a member of the public, City Council, or Police Department.

This policy outlines the procedure for submitting recommendations and offering rewards and payment to claimants

364.2 PROCEDURE

364.2.1 REQUESTS FOR A REWARD OFFER

All requests for an offer of a reward shall be submitted to the InvestigationsBureau (CIB) Lieutenant. The CIB Lieutenant shall consult with the case agent and forward a written recommendation to the Investigations Division Commander, who will forward the recommendation to the Chief of Police or designee. The Chief of Police or designee will review the internal recommendations and present a report with a recommendation to the City Council. The City Council will approve, deny, or modify the recommendation. In doing so, they should strongly consider the recommendation of all parties mentioned.

All requests for a reward offer shall not be eligible for consideration if, in the judgement of the Chief of Police, it is unnecessary and/or may jeopardize any ongoing investigation.

364.2.2 REWARD OFFER CLAIMS

(a) When information is received which may lead to a reward claim, the CIB Lieutenant shall:

1. Document the date the information is received and the name and address of the claimant until the case is adjudicated or otherwise completed. This is essential in establishing that the information was received during the 60-day period that the reward is valid.
2. Provide claimants with an Application for Special Reward Payment (Attachment 1).
3. Inform claimants that claims will be processed when the case is adjudicated or otherwise concluded. Note: Claimants requesting information concerning payment of the reward shall not be referred to the City Clerk's Office.

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(b) When a case involving a City-offered reward has been adjudicated or otherwise completed, and a claim for the reward has been submitted, the CIB Lieutenant shall:

1. Complete a Reward Claim Checklist (Attachment 2) for each claimant. The Reward Claim Checklist gives the City Council information verified by the Chief of Police concerning the claimant's eligibility to receive payment of the reward. If a claimant is ineligible to receive payment, the reason for the ineligibility shall be explained on the checklist.

2. If a claimant's identity cannot be revealed, enter "Anonymous" on the checklist. If there are multiple claimants who choose to remain anonymous, identify claimants as "Claimant A, Claimant B," etc. However, if the claimant(s) remains anonymous, their true identity still must be confirmed and eligibility determined as outlined in this policy.

3. Upon the request of the City Council, the Chief of Police or designee may be required to provide insight relative to the amount of a reward that should be paid to a claimant (i.e.,: value of the claimant's contribution to the investigation, multiple claimants involved, etc.) or denial of payment.

(c) Forward the completed Reward Claim Checklist and Application for Special Reward Payment forms to the Investigations Division Commander for review.

(d) Ensure that a Reward Claim Checklist and an Application for Special Reward Payment are completed for each person submitting a claim.

(e) Contact the case agent and jointly review the completed Reward Claim Checklist to determine the level of contribution of each claimant to the investigation. Document a brief explanation regarding the level of contribution, i.e.,: "John Doe (or "Claimant A" if the claimant wishes to remain anonymous) provided information that led to the location and arrest of the suspect, and recovery of evidence linking the suspect to the crime."

(f) Submit a memorandum supporting or opposing payment of the claim(s) to the Inestigations Division Commander. Completed forms shall be attached for each claimant. The memorandum shall include:

1. The name of the claimant (or Anonymous, Claimant A, B, etc.).

2. Whether the claimant is eligible or ineligible to receive the payment. If the claimant is ineligible to claim a reward, provide a brief explanation.

3. A brief explanation as to the value of the claimant's contribution to the investigation.

4. A recommendation as to whether the reward should be paid to the claimant (i.e., claimant's information was vital, helpful but not essential, of no value). In cases involving multiple claimants, include a statement as to which claimants should receive a part of the reward, briefly explain the assistance provided by

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each claimant, and indicate the recommended percentage of the reward each claimant should receive.

(g) Additionally, the CIB Lieutenant's responsibilities shall include:

1. Distributing and maintaining all correspondence associated with the program, i.e.,: letters to/from claimants, etc.
2. Coordinating with detectives and the case agent regarding the status of their investigations and if additional information is needed from callers.
3. Keeping all files associated with the Riverside Reward Program updated and accurate.
4. Maintaining all statistics for the program.
5. Preparing public service announcements (PSA) with the local media (TV, radio, newspapers). No PSA shall be distributed without prior approval from the case agent.
6. Ensuring that claimants are advised as to the status of their cases.
7. Coordinating payment of rewards to claimants.

364.2.3 DURATION OF REWARD

Offers of rewards approved by the City Council shall expire sixty (60) days after an approval date. The City Council may renew the offer of reward by approving a new offer of reward for another 60-day time period

364.2.4 VERIFICATION / ELIGIBILITY

(a) Before a city-offered reward can be paid to a claimant, the CIB Lieutenant, via the Chief of Police, shall provide adequate verification to the City Council that the claimant is eligible to receive payment. A person shall be deemed ineligible for a reward if he or she is:

1. Employed by a law enforcement agency, or any other organization that compensates its employees for performing acts relating to the investigation of or reporting of crimes,
2. Acting as an agent for the suspect(s) and/or if the suspect(s) would benefit from the payment of the reward,
3. A public official,
4. Any relative of the above.

(b) Again, all requests for a reward offer shall not be eligible for consideration, if in the judgement of the Chief of Police, it is unnecessary and/or may jeopardize any ongoing investigation.

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(c) Additionally, the claimant(s) must provide continual cooperation within the Criminal Justice System relative to the case for which the offer of reward is made, and if necessary, testify in court.

(d) Section 53069.7 of the California Government Code makes a distinction on the reward requirements between crimes committed against members of the public and crimes committed against a police officer. In a case involving the killing, assaulting with a deadly weapon, or inflicting serious bodily harm upon a police officer acting in the line of duty, the individual must provide information that leads to arrest and conviction.

364.2.5 CLAIM FORM

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Department Use of Social Media

365.1 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).

365.1.1 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

365.2 POLICY

The Riverside 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.

365.3 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.

365.4 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.

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Examples of appropriate content include:

(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.

(i) Police activity.

365.4.1 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.

365.5 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 Riverside 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.

365.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

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The Department may provide a method for members of the public to contact department members directly.

365.6 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.

365.7 RETENTION OF RECORDS

The Support Services 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.

365.8 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.

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Arrest or Detention of Peace Officer or Department Employee

366.1 POLICY

The arrest or detention of an officer from another agency can often place this Department's officer and supervisor in the awkward and uncomfortable position of determining whether it is appropriate to notify the officer's agency. Labor Code Section 432.7, while permissive and not mandatory, authorizes the disclosure of arrest or detention information to a government agency employing a peace officer. In response to the arrest report, the employing agency may place the officer on administrative leave and/or initiate an internal investigation.

For purposes of consistency, it shall be the policy of this Department to notify the employing agency whenever a peace officer is arrested. The notification of a detention shall be made only by the Office of Internal Affairs. The procedures set forth in this policy shall also apply to Riverside Police Department personnel who have been arrested or detained.

366.2 PROCEDURE

(a) Arrest

1. The arresting officer shall immediately notify an on-duty supervisor of an arrest of a peace officer.
2. The supervisor shall notify the peace officer's employing agency's watch commander or the employing agency's internal affairs.
3. The supervisor shall forward a copy of the report and a memo documenting any pertinent information not contained in the criminal report and the name, rank, and telephone number of the person whom he/she notified to the Office of Internal Affairs. The Office of Internal Affairs will act as liaison with the employing agency.
4. Depending upon the circumstances, the supervisor may request that the Office of Internal Affairs make the necessary notifications.

(b) Detention

1. The detaining officer shall immediately notify an on-duty supervisor of the detention of a peace officer where probable cause exists for an arrest or a complaint other than a traffic infraction or municipal code violation.
2. The supervisor, depending upon the seriousness of the incident, shall notify the Office of Internal Affairs either by telephone or by memo.
3. The supervisor shall forward a copy of the report and a memo documenting any pertinent information not contained in the criminal report. The Office of Internal Affairs will act as liaison with the employing agency.
4. The Office of Internal Affairs shall be solely responsible for notifying the Internal Affairs unit of the officer's employing agency.

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Gun Violence Restraining Orders

367.1 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.

367.1.1 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).

367.2 POLICY

It is the policy of the Riverside Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

367.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to send a request to the City Attorney's Office to petition the court for a gun violence restraining order.

After an officer has obtained approval from his/her supervisor, the officer must provide the following information and documentation to the City Attorney’s Office at the time the GVRO request is submitted:

(a) A copy of the police report, which shall include the following:

- Field Interviews
- Computer Aided Dispatch (CAD) report
- Other documentary evidence which precipitated a GVRO request
- Information indicating whether firearms are registered to the subject; and
- The subject's criminal history

(b) A CD of photographs and recordings (audio/video) associated with the police report

(c) All prior police reports involving the subject within two years of the submission of the GVRO request; and

(d) All calls for service to the subject’s residence or involving the subject within two years of the submission of the GVRO request.

The City Attorney’s Office will review all GVRO requests and determine whether filing a GVRO petition is appropriate, taking into consideration the factors in assessing danger and risk identified

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in Penal Code Section 18155, the interest of public safety, and whether the individual has a nexus to firearms. If the City Attorney's office decides to file a GVRO petition, the City Attorney's Office will complete the necessary paperwork and file it with the court. The officer's report should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person so that such information can be identified in the petition (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 orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

367.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

Individuals against whom GVRO's are sought are generally entitled to a hearing within 21 days after the petition is filed. The court has the discretion to issue a Temporary Restraining Order restraining the individual from possessing any firearms until the GVRO hearing. After a petition for GVRO is filed with the court, the City Attorney's Office will notify the Centralized Investigations Bureau Lieutenant (or designee) whether a signed Temporary GVRO has been received back from the Court restraining the individual from possessing any firearms until the GVRO hearing. A complete copy of the court paperwork shall be forwarded to the Centralized Investigations Bureau Lieutenant (or designee) to coordinate with the METRO Team to serve the subject and to simultaneously seize the firearm(s). If the firearm(s) is not stored where the individual is served, he/she shall have 24 hours to surrender the firearm. If for some reason the court does not issue a Temporary Restraining Order, the firearms will only be surrendered if the court so orders, after the GVRO hearing.

The Temporary GVRO must be personally served on Respondent at least <u>five</u> calendar days before the Permanent GVRO hearing, with service documented on Judicial Council form Proof of Service GV-200. If the METRO Team is unable to serve the restraining order prior to the hearing date, the City Attorney's Office will request a continuance of the court hearing so that the subject can be properly served.

An officer serving any gun violence restraining order shall:

(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).

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(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 City Attorney's Office as soon as practicable but within one business day so that they can file it with the issuing court (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Bureau 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.

367.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to the Records Bureau for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

367.5 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.

(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.

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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.

367.6 RECORDS BUREAU MANAGER RESPONSIBILITIES

The Records Bureau 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) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).

367.7 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.

367.8 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 returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy. Before releasing firearms and ammunition under this section, RPD must check with the City Attorney's Office to determine whether the City Attorney's Office will seek to renew the GVRO.

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Use of Narcan (Naloxone)

369.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures to govern an “exposure/overdose program” for Department employees through the deployment of Naloxone by Riverside Police Department personnel. The objective is to reduce injuries and fatalities resulting from opioid overdoses, in instances where emergency medical personnel have not yet arrived.

369.2 POLICY

It is the policy of the Riverside Police Department that Department personnel shall be trained to administer Naloxone (commonly referred to as Narcan) in accordance with mandated training guidelines as determined and established by Riverside County Emergency Medical Services Agency (REMSA) pursuant to Health & Safety Code Division 2.5: Emergency Medical Services 1797. – 1799.207 and California Code of Regulations, Title 22. Social Security, Division 9 Ch. 1.5 Prehospital Emergency Medical Services.

(a) Department personnel who are trained in accordance with mandated training guidelines may administer Naloxone. However, he/she will retain the discretion to administer or not administer Naloxone to persons experiencing or suspected of experiencing opioid-related overdoses. There is no legal obligation to administer Naloxone.

(b) Department personnel 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 protocol.

369.3 PROGRAM COORDINATOR

The Special Investigations Bureau Lieutenant will serve as the Department’s Program Coordinator and will work in collaboration with the REMSA. The Program Coordinator will designate Department personnel at each participating Police Station and within specific designated specialized units to provide support to the Program Coordinator. The Program Coordinator will be responsible for tracking, storage, maintenance, replacement of Naloxone kits, and reporting to REMSA.

369.4 TRAINING

Department personnel may not administer Naloxone without the completion of the mandated First Aid/CPR/AED POST training and the Naloxone training video https://www.narcan.com/first-responders/law-enforcement-roll-call-video. Department personnel will have their training recorded in their respective Training File. Department personnel will receive refresher training as deemed appropriate by REMSA.

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369.5 DEPLOYMENT

The Riverside Police Department will deploy Naloxone kits in each Police Station and with specific Units as deemed appropriate by the Chief of Police.

369.6 STORAGE

Naloxone kits will not be stored in vehicles or areas where the temperature may exceed 104 degrees for extended periods of time.

369.7 NALOXONE USE

Department personnel who have completed the mandated Naloxone training are authorized to administer Naloxone when they reasonably believe someone is experiencing an opioid-related overdose. Personnel will treat the incident as a medical emergency and shall follow these steps when performing this intervention:

(a) Confirm emergency personnel are responding

(b) Maintain universal precautions

(c) Perform patient assessment

(d) Determine unresponsiveness

(e) Update dispatch of potential overdose state

(f) Follow Naloxone use protocol

(g) Immediately notify responding emergency medical personnel that Naloxone has been administered

(h) Notify appropriate Command personnel

369.8 DOCUMENTATION

Upon completion of the incident, Department personnel who administered the Naloxone will submit a REMSA Law Enforcement Naloxone Use Reporting Form to the Special Investigations Bureau Lieutenant. The completed form shall be forwarded to:

Riverside County EMS

Attn: Naloxone Coordinator

450 E. Alessandro Blvd., Riverside, CA 92508

369.9 MAINTENANCE AND REPLACEMENT

The maintenance and replacement of Naloxone kits will be the responsibility of the Program Coordinator or their designee where the kits are deployed. Used, lost, or damaged kits will be returned to the Program Coordinator for replacement.

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PepperBall®

371.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of PepperBall® devices.

371.2 PEPPERBALL SYSTEMS

PepperBall systems are authorized for use by officers upon successful completion of the required training course.

PepperBall projectiles are plastic, frangible spheres that are usually filled with oleoresin capsicum (OC) powder. Alternate projectiles are available including water-filled rounds (often used during riot-control efforts), training rounds filled with inert powder, and glass-breaking rounds. A high-pressure air launcher delivers the projectiles with enough force to release the OC powder, or break glass. Although classified as a less-lethal device, the potential exists for the projectiles to inflict injury when they strike the face, eyes, neck, spine or groin. Therefore, personnel deploying the PepperBall system shall avoid intentionally striking those body areas except when the officer reasonably believes the suspect poses an imminent threat of causing serious bodily injury or death to a peace officer or others.

371.3 POLICY

The PepperBall systems are intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The PepperBall system can be deployed and used in additional situations. Refer to Policy 310.6.The appropriate use of the PepperBall system should result in fewer serious injuries to officers and suspects. In deciding whether or not to use Pepperball, officers must consider the severity of the crime, whether the subject poses an immediate threat to his or her own safety, the safety of officers or other persons, and whether the subject is actively resisting arrest or attempting to evade arrest by flight.

371.4 ISSUANCE AND CARRYING PEPPERBALL SYSTEMS

Only officers who have successfully completed Department approved training may be issued and carry the PepperBall systems. Personnel must be re-certified every 2 years. Officers shall be responsible for ensuring that their issued PepperBall system is properly maintained and in good working order. Officers should not hold both a firearm and the PepperBall system at the same time.

PepperBall systems will be issued by Division Unit Commanders (e.g. Watch Commander, Area Commander, Tactical Commander) to unit supervisors. The supervisors will determine which specific officers will be issued individual systems.

Officers shall only use the PepperBall system and projectiles that have been issued by the Department. Officers who have been issued the PepperBall system shall store the PepperBall system in a hard or soft weapon case. Those cases shall be locked in a Department vehicle trunk or locked rear storage compartment of a Department vehicle. When in the trunk of the unit the

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weapon shall be in the “vehicle carry” condition. For the purposes of this policy, the term “vehicle carry” condition means a launcher with an unloaded chamber and the safety on (if equipped).

Field Operations supervision shall issue the system at the beginning of each shift and be responsible for the turn in at the end of each shift.

371.5 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the PepperBall system 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 PepperBall system may be deployed.

371.6 USE AND APPLICATION OF THE PEPPERBALL SYSTEM

The PepperBall System has limitations and restrictions requiring consideration before its use. Although the PepperBall system can 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.

An officer's body-worn camera shall be activated whenever a use of force can be reasonably anticipated. Only qualified, trained, and authorized personnel shall deploy and use any PepperBall System. Officers encountering a situation that requires the use of a PepperBall System should make a reasonable effort, if possible, to notify a supervisor prior to deployment.

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

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

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

(c) To disperse an unlawful group or riotous group of people, but only after appropriate notifications have been given, unless an exigent circumstance exists.

(d) Specific PepperBalls shall be used only for their intended purpose. For example, PepperBalls containing OC are intended for use on dangerous suspects, as a means of crowd control, or on vicious animals; glass-breaking rounds are solely intended for that purpose and shall not be shot at suspects unless there is a reasonable belief that the suspect(s) pose an imminent threat of causing serious bodily injury or death to a peace officer or others; the water-filled round is most appropriate for use during civil disobedience and crowd control; and training rounds shall only be used in training environments.

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(e) PepperBalls shall not be intentionally shot at the face, eyes, neck, spine, or groin of a suspect. The intended target should be 'center mass' of a suspect. The need and justification for deadly force may justify deviation from this subsection;

(f) Firing projectiles at a person, shall be followed by the swift application of appropriate medical attention when safe to do so;

(g) PepperBall systems may be used to prevent an imminent attack, or stop an attack by a vicious animal if other means of prevention, containment, or avoidance of the animal are not reasonable;

(h) PepperBall launchers shall not be used to "clear" rooms, buildings, or spaces wherein a suspect is not known to be. Firing PepperBall rounds into an area is not a substitute for properly and safely searching a space, room, or building;

(i) When possible, an officer other than the officer assigned to a deadly force option should the suspect(s) be unaffected by the Pepperballs AND then present a threat of death or serious bodily injury to those at the scene.

371.7 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) The subject’s proximity to others.

(d) The location of the subject.

(e) Whether the subject’s actions dictate the need for an immediate response and the use of the PepperBall system appears appropriate.

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

371.8 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all Pepperball system discharges and comply with Policy 300.5 (Reporting the Use of Force). The only exception to this notification is if the officer is engaged in training. Expended projectiles should be photographed as evidence. Any unbroken projectiles should be collected and booked into evidence. Projectiles collected that containoleoresin capsicum (OC) should be marked as “Biohazard” when booked as evidence.

Whenever OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup 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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371.9 MEDICAL TREATMENT

All persons who have been struck by a PepperBall projectile should be medically assessed. If the individual was struck with an OC projectile, the individual should promptly be provided water to cleanse any affected areas and medically assessed. If the individual has further complaints they should be treated by competent medical personnel.

Any individual exhibiting signs of distress 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.

371.10 TRAINING FOR CONTROL DEVICES

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

(a) Proficiency training shall be monitored and documented by a certified, PepperBall system instructor.

(b) All training and proficiency will be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the PepperBall system or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

371.11 INVENTORY AND MAINTENANCE

A Rangemaster shall control the inventory and issuance of all PepperBall systems to each Department Division. The Rangemaster or a PepperBall system instructor for the respective Department Division shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be inspected by the Rangemaster or the designated PepperBall system instructor, annually at a minimum. The inspection shall be documented and maintained by the Rangemaster.

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Chapter 4 - Patrol Operations

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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 Riverside, 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 division 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

400.1.2 TERRORISM

It is the goal of the Riverside Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). Officers should also enter the information into the Suspicious Activity Reporting System (SARS) as soon as practical. The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Centralized Investigations Bureau Supervisor in a timely fashion.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Riverside Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) supports the patrol function by providing criminal statistical data by geographic area. Criminal information and intelligence reports can be submitted via interdepartmental electronic mail for distribution to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol 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 ROLL CALLS

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 Roll Calls as time permits.

400.2.4 INFORMATION BINDERS

Several information binders will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check binder, the wanted persons binder, training binder, and the written directive binder.

400.2.5 GENERAL ORDERS

New General Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the General Order will be placed in the briefing room written directive binder.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

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Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Racial- or Bias-Based Profiling

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that members of the Riverside 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:

Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service. This includes gender identity or expression (Penal Code § 13519.4).

401.2 POLICY

The Riverside Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

401.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

401.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

401.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

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Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors should periodically review MAV 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 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Bureau.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of racial- or bias-based profiling.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial racial- or bias-based profiling training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

401.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Bureau 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 Bureau Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020).

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Roll Call Briefing

402.1 PURPOSE AND SCOPE

Roll call briefings provide daily opportunities for inspection, information sharing, training, work orders, equipment assignment, and duty assignments, in preparation for an employee's work assignments(s). Roll call briefings shall be conducted at the beginning of each duty shift by the Watch Commander or Bureau Commander. Unit meetings may be held in lieu of Bureau meetings at the discretion of the Division Commander. The Watch Commander or Bureau Commander may dispense with this briefing only when the existence of an emergency requires immediate deployment of officers into the field.

402.2 PROCEDURE

402.2.1 ATTENDANCE

All officers and civilian employees with field duties who are assigned to the Watch/Bureau shall attend the briefing. Additional civilian employees shall attend roll call briefings at the discretion of the Watch Commander or Bureau Commander, when appropriate.

Employees attending roll call briefings include but are not limited to:

(a) Watch Commander/Bureau Commander.

(b) Sergeants and Supervisors (unless excused by the Watch/Bureau Commander).

(c) Detectives

(d) Officers.

(e) Other approved personnel.

402.2.2 CONTENT

Briefings shall include, but are not limited to:

(a) Dissemination and review of policy changes and new policies.

(b) Visual inspection of personnel and uniform.

(c) Visual inspection of on-duty equipment.

(d) Dissemination of relevant criminal activity and "beat" information.

(e) Review of noteworthy daily incidents presenting education and training opportunities.

(f) Crime Analysis Information.

(g) Community Policing and/or problem solving information.

(h) Education and training from curriculums provided by the Field Operations Division or the Training Bureau.

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(i) Issuance of approved department equipment.

(j) Preparation of a deployment roster of officers assigned to Field Operations Division.

(k) Subpoena Service.

(l) Access to information systems designed to broadcast information to the Department, and a review of this information.

402.2.3 TRAINING

Roll call briefing training shall include:

(a) A roster of all employees receiving training materials and/or review of department policy. The unit/shift supervisor shall verify the attendance roster for accuracy.

(b) The training roster will be forwarded to the Training Bureau and transferred to individual training records.

(c) The unit/shift supervisor shall ensure that all employees are provided scheduled training materials. In the event of extended leave or vacation periods, the supervisor shall present training materials upon the return of his/her employees.

402.2.4 MATERIALS

The supervisor conducting the roll call briefing is responsible for the preparation of the materials necessary for a constructive briefing. Briefing materials are considered sensitive and are developed for law enforcement purposes only. Employees are prohibited from audio and/or video recording roll call briefings without the express authorization of the Chief of Police.

402.2.5 CONDUCT

Briefings are an integral part of the operation and success of the policing mission. All personnel have a right to be free from inappropriate conduct of others and have an obligation to refrain from inappropriate conduct themselves.

Accordingly, the Department has no tolerance for and all personnel shall refrain from engaging in:

(a) Racial epithets, slurs and/or jokes.

(b) Ethnic epithets, slurs and/or jokes.

(c) Sexual innuendo(s) or jokes.

(d) Any other statements, actions or deeds which demonstrate any bias because of race, color, religion, national origin, ancestry, age, disability, medical condition, marital status, sex or sexual orientation.

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Supervisory Shift Summary

403.1 PURPOSE AND SCOPE

To establish a process for timely notification of superior officers of any and all unusual or significant incidents encountered by Field Operations.

403.2 POLICY

Shift Summary entries shall be completed by Field Operations Sergeants prior to the end of their duty watch. The entries will include a synopsis of unusual or major incidents not limited to the following:

(a) Crime or incident that requires notification of On-Call Lieutenant.

(b) Major disorders.

(c) Incidents involving the arrest of large numbers of persons.

(d) Incidents that may result in city liability.

(e) Actions of employees that deserve recognition (good quality arrest, inv., etc.)

(f) Any other major incident which may be of interest to the department or which may be of major media interest.

Supervisory Shift Summaries are public documents that are accessed by the media and public. Therefore, privileged, confidential, or sensitive information shall not be recorded on Supervisory Shift Summaries. Information of this type shall only be communicated to superior officers verbally and/or via the Field Operations Notification Summary prepared by the Watch Commander or designee.

403.3 FORMAT

The Supervisory Shift Summary will reflect the following:

(a) Watch in which incident occurred.

(b) Day of the week, date, and time.

(c) Area of occurrence (Area One, Two, etc.)

(d) Location of occurrence.

(e) Type of incident.

(f) File number if applicable.

403.4 DISSEMINATION

The Watch Commander or designee shall review the Supervisory Shift Summary and email a copy to the RPDSHIFTSUMMARY distribution list. If a Press Release is initiated by Field Operations, a copy is to be attached to the summary that reflects the incident.

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Supervisory Shift Summary

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Crime And Disaster Scene Integrity

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

404.2 POLICY

It is the policy of the Riverside 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.

404.3 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.

404.4 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.

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404.5 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 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.

404.5.1 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.

404.6 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 § 120160).

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Crime Scene Investigation Guidelines

405.1 PURPOSE AND SCOPE

The protection and integrity of the crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life property and investigation by proper authorities.

405.2 PROCEDURES

405.2.1 INITIAL RESPONSE/PRIORITIZATION OF EFFORTS

One of the most important aspects of securing a crime scene is to preserve the scene with minimal contamination and disturbance of physical evidence. It is important for the initial responding officer(s) to be observant when approaching, entering, and exiting the crime scene. Note: The first officer arriving on scene is "in charge" until relieved by supervision. Also, he/she is responsible for taking the initial report, unless directed to do otherwise by supervision. The initial responding officer(s) should:

(a) Initial Response/Receipt of Information:

1. If not already documented electronically (MDC), note or log dispatch information (e.g., address/location, time, date, type of call, parties involved).
2. Be aware of any persons or vehicles leaving the crime scene.
3. Approach the crime scene cautiously, scan the area to thoroughly assess the scene, and note any possible secondary crime scenes. Be aware of any persons and vehicles in the vicinity that may be related to the crime. Approach the scene in a manner designed to reduce the risk of harm to the officer(s) while maximizing the safety of victims, witnesses, and others in the area.
4. Make initial observations (look, listen, smell) to assess the scene and ensure officer safety before proceeding.
5. Treat the location as a crime scene until assessed and determined to be otherwise.
6. Ensure there is no immediate threat to other responders. Scan the area for sights, sounds, and smells that may present a danger to personnel (e.g., hazardous materials such as gasoline, natural gas). If the situation involves a clandestine drug laboratory, biological weapons, or radiological or chemical threats, the appropriate unit/personnel or agency should be contacted prior to entering the scene.
7. Notify supervisory personnel and call for assistance/backup when appropriate.
8. Assess the victim(s) for signs of life and medical needs, and promptly request medical assistance, if necessary.

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9. Guide medical personnel to the victim to minimize contamination/alteration of the crime scene.
10. Point out potential physical evidence to medical personnel, instruct them to minimize contact with such evidence (e.g., ensure that medical personnel preserve all clothing and personal effects without cutting through bullet holes, knife tears), and document movement of persons or items by medical personnel.
11. Instruct medical personnel not to "clean up" the scene and to avoid removal or alteration of items originating from the scene.
12. Obtain the name, unit, and telephone number of attending personnel, and the name and location of the medical facility where the victim is to be taken.
13. If there is a chance the victim may die, attempt to obtain a "dying declaration."
14. Document any statements/comments made by victims and witnesses, and spontaneous statements by the suspects. Do not Mirandize and/or attempt to interview suspects of serious crimes in which investigators are responding and investigating.
15. If the victim or suspect is transported to a medical facility, send an officer with the victim or suspect to document any comments and preserve evidence. (If no officers are available, stay at the scene and request medical personnel to preserve evidence and document any comments.)

(b) Securing and Controlling Persons at the Crime Scene:

1. Control all individuals at the scene. Prevent individuals from altering/destroying physical evidence by restricting movement, location, and activity while ensuring and maintaining safety at the scene.
2. Identify all individuals at the scene.
   (a) Suspects and Witnesses: Secure and separate. **Remember - Witnesses cannot legally be detained and/or transported against their will!**
   (b) Victims/Family/Friends: Control while showing compassion.
3. Exclude unauthorized and nonessential personnel from the scene (e.g., law enforcement officials not working the case, media). **Note: The officer in charge of the scene is responsible for separating all involved parties (e.g., victims, suspects, witnesses, involved officers) as soon as possible and ensuring that they are not allowed to discuss the incident with one another.**

(c) Boundaries - Identify, Establish, Protect, and Secure:

(a) Establish boundaries of the scene(s), starting at the focal point and extending outward to include:

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(a) Where the crime occurred.

(b) Potential points and paths of exit and entry of suspects and witnesses.

(c) Places where the victim/evidence may have been moved.

(d) *Be aware of trace and impression evidence while assessing the scene.*

(b) Set up physical barriers (e.g., ropes, cones, crime scene tape, available vehicles, personnel, other equipment) or use existing boundaries (e.g., doors, walls, gates).

(c) Document the entry/exit of all people entering and leaving the crime scene, once the boundaries have been established.

(d) Control the flow of personnel and animals entering and leaving the scene to maintain integrity of the scene.

(e) Effect measures to preserve/protect evidence that may be lost or compromised (e.g., protect from the elements {rain, snow, wind} and from footsteps, tire tracks, sprinklers).

(f) Document the original location of the victim or objects that you observed being moved.

(g) Consider search and seizure issues to determine the necessity of obtaining consent to search and/or obtaining a search warrant.

(h) Persons should not smoke, chew tobacco, use the telephone or bathroom, eat, drink, move any items including weapons (unless necessary for the safety of persons at the scene), adjust the thermostat or open windows or doors, touch anything unnecessarily (note and document any items moved), reposition moved items, litter, or spit within the established boundaries of the scene. Also, officers should not mark the body (e.g., chalk around the body).

(d) Briefing Investigators/Relinquishing the Crime Scene:

1. Brief the investigators taking charge.

2. If needed, continue controlling the scene. This includes the continued documentation of all people entering and leaving the crime scene. Ensure they follow the entry/exit path, if established.

3. Remain at the scene until relieved of duty. If relieved of duty, turn over responsibility for the documentation of people entering/leaving the scene.

(e) Responding Officer(s) Documentation of Actions and Observations:

1. All activities conducted and observations made at the crime scene by all responding officer(s) must be documented (Initial and/or Supplemental Reports) as soon as possible after the event to preserve information. The responding

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officer(s) must produce clear, concise, documented reports encompassing his or her observations and actions.

Field Operations supervision is responsible for ensuring that all Field Operations personnel complete their reports prior to EOW and that all reports are compiled for investigations.

405.2.2 PROCESSING THE SCENE

(a) Determine Investigative Team Composition:

1. Assess the need for additional personnel. Be aware of the need for additional personnel in cases of multiple scenes, multiple victims, numerous witnesses or other like circumstances.
2. Assess forensic needs and call a forensic specialist to the scene for expertise and/or equipment.
3. Ensure that scene security and the entry/exit documentation are continued.
4. Make sure that qualified persons are performing specialized tasks (e.g., photography, sketch, latent prints, evidence collection).
5. Document team members and assignments.

(b) Perform Final Survey of the Crime Scene:

1. Each area identified as part of the crime scene is visually inspected.
2. All evidence collected at the crime scene is accounted for.
3. All equipment and materials generated by the investigation are removed.
4. Any dangerous materials or conditions are reported and addressed.
5. The case agent is briefed prior to releasing the scene.
6. The crime scene is released in accordance with jurisdictional requirements.

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SWAT

406.1 DEFININTION

The Special Weapons and Tactics (SWAT) Team is a designated group of officers that are selected, trained and equipped to work as a coordinated team to resolve critical incidents that are hazardous, complex or unusual and typically exceed the capabilities of first responders or other investigative units. They consist of officers from the Special Weapons and Tactics (SWAT) Team, Technical Services Unit (TSU), Long Rifle / Observer Teams, SWAT K9, and the Emergency Negotiations Team (ENT).

406.2 POLICY

The purpose of a SWAT Team activation or response is to increase the likelihood of safely resolving critical incidents. To accomplish this goal, the SWAT Team is organized into specific team components and considers department policy, risk assessments, planning and current team capabilities to mitigate each incident.

The structure and protocol contained within this policy are 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).

406.3 OPERATIONAL PROCEDURES

In addition to this policy, the Special Operations Division shall prepare and maintain a separate document, outlining specific SWAT Operational Procedures. The document shall be reviewed and updated on an annual basis and shall be approved by the Special Operations Division Commander. The SWAT Team's operational procedures manual shall be patterned after current best practices and will outline departmentally approved tactics, in which to achieve safe resolutions. The designated author and custodian of the document shall be assigned by the SWAT Team Commander, who will review all annual updates. The author shall consider any updated documentation from POST and other recognized resources such as the National Tactical Officers Association and California Association of Tactical Officers.

406.4 SWAT TEAM ELEMENTS

The SWAT Team is led by a SWAT Commander and SWAT sergeants. The SWAT Team is comprised of elements that specialize in three basic operational functions; command and control, containment and entry/apprehension, and rescue. The SWAT Team elements primarily responsible for performing these functions are METRO, and collateral SWAT Blue, White, Long Rifle/Observer, and K9 teams. Additionally, the SWAT Team is comprised of elements that specialize in negotiations and technical services.

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406.4.1 SWAT TEAM COMMANDER

The SWAT Team Commander is the Special Operations Bureau Lieutenant, or his/her designee. The SWAT Team Commander reports directly to the Special Operations Division Commander and shall assume full command of all SWAT Team members on SWAT Team activations or other critical incidents wherein the SWAT Team has been deployed.

406.4.2 SWAT TEAM SERGEANTS

SWAT Teams are supervised by SWAT sergeants. SWAT Team sergeants report directly to the SWAT Team Commander and may serve as the Interim SWAT Team Commander in his/her absence.

406.4.3 METRO

METRO or "Red Team" is comprised of SWAT sergeants and officers. METRO is assigned to the Special Operations Division and is a fulltime complement of the SWAT Team.

406.4.4 COLLATERAL SWAT TEAMS

The collateral units of the SWAT Team are identified as the "White" and "Blue" Teams. Each of these Teams is supervised by a SWAT sergeant and the operators are comprised of officers and or detectives.

The selection of sergeants to SWAT collateral Teams is predicated on the mutual understanding that their progression to METRO is expected upon vacancies occurring in METRO.

406.4.5 LONG RIFLE / OBSERVER TEAMS

The collateral duty Long Rifle/Observer Teams are supervised by SWAT sergeants and the operators are comprised of officers and/or detectives.

406.4.6 SWAT K9

The collateral SWAT Team K-9 element is comprised of designated canine handlers and their police service dogs and is supervised by a SWAT Team sergeant when working in the capacity as a SWAT Team operator.

406.4.7 EMERGENCY NEGOTIATIONS TEAM (ENT)

The collateral duty Emergency Negotiation Teams are comprised of ENT sergeants and the operators are comprised of officers and/or detectives.

406.4.8 TECHNICAL SERVICES UNIT (TSU)

The Technical Services Unit is comprised of one (1) collateral TSU sergeant, two (2) full time TSU detectives, and two (2) collateral TSU bomb technicians. TSU is assigned to the Field Operations Division and reports directly to the Field Operations Traffic Bureau Lieutenant.

TSU assists with specialized entry techniques, surveillances, and rendering safe hazardous devices.

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406.5 CRITERIA FOR ACTIVATING THE SWAT TEAM

A rapidly evolving critical incident may necessitate a field supervisor or first responder to initiate immediate action to rescue a citizen and/or an officer who may be gravely injured or in imminent threat of serious injury or death. In these situations, field supervisors or first responders are encouraged to formulate and carry out tactical plans that are consistent with the training, equipment, and capability of the police personnel readily available to them. In these types of situations, the activation of the SWAT Team should be initiated as soon as practical. In all other circumstances, when time allows, the following criteria shall be evaluated and serve as the operational guidelines for the activation of the SWAT Team.

406.5.1 REQUIRED SWAT TEAM ACTIVATIONS

(a) Hostage Situations - When the suspect(s) is:

1. Holding someone against their will.
2. Being contained by officers, and is refusing to release the victim(s) and surrender.
3. Armed or has access to any type of weapon.
4. Capable of injuring or has injured the hostages.

(b) Barricaded Suspects - When the suspect(s) is:

1. Believed to be armed.
2. Believed to be involved in a criminal act or is a threat to citizens/police.
3. In a position affording cover or concealment.
4. Refuses to submit to law enforcement.

(c) Sniper Activity/Open Area Searches - When the suspect(s) is or has:

1. A position of advantage and has the ability to lie in wait for the opportunity to shoot or injure someone.
2. Shot or tried to shoot another person from a position of concealment.
3. Believed to be contained by police personnel.
4. Refused to surrender.

(d) Rescue Work - In instances where:

1. An officer or civilian has been injured and emergency personnel cannot attend to the victim(s) because a suspect is armed and is intentionally preventing the victim's rescue.
2. Time allows and there are on-duty SWAT Team personnel in the field who are trained in tactical rescue work.

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(e) Warrant Service/Remote Takedown:

- The investigating division planning a warrant service or remote takedown shall evaluate and prepare the Operational Assessment Form contained in the Search Warrants, Probation and Parole Searches policy, and shall consult the SWAT Team Commander, or designee, as required.

(f) Dignitary Protection - Whenever:

1. A domestic or foreign dignitary is to visit the City of Riverside.
2. The dignitary or VIP's protective agency requests additional protection or services.

(g) Riot/Crowd Control or Planned Demonstrations:

- The SWAT Team shall work in conjunction with Riverside Police Department Mobile Field Force personnel and will be deployed when:
  - (a) An unruly crowd cannot be controlled by on-duty personnel.
  - (b) A field supervisor believes that a crowd control situation may escalate beyond control.
  - (c) Intelligence information indicates the possibility of a crowd control problem.

(h) Escort for Hazardous or Sensitive Materials:

- The SWAT Team shall be used whenever an armed escort is needed for the transportation of material of a hazardous, valuable, or sensitive nature (i.e., large quantities of money, drugs, or hazardous materials) to a predetermined location for safety or disposal.

(i) Counter Terrorist Activities:

- The SWAT Team shall work with the Riverside Police Department Intelligence Unit or other designated personnel from allied agencies whenever terrorist activities are suspected. Examples include, but are not limited to, suspects utilizing weapons of mass destruction (WMD) or suicide/homicide bombers.

(j) Unusual Incidents:

- Whenever a supervisor involved in an investigation believes that the expertise or special equipment of the SWAT Team would assist in safe resolution of the incident.

406.6 SWAT TEAM ACTIVATION PROTOCOL

(a) Procedure:

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- A request for the SWAT Team can be made by any Command Officer or Watch Commander to the SWAT Team Commander
- The SWAT Team Commander will assess the circumstances of the request and determine the necessity of SWAT activation.

(b) Management Guidelines for SWAT Team Activations:

1. Incident Commander Responsibilities: In the event of an activation of the SWAT Team, the ranking officer on-scene shall assume the role of Incident Commander and will act as such until relieved by the Watch Commander. The Incident Commander shall prepare for the anticipated arrival of SWAT Team personnel and will, at a minimum, initiate the preparatory steps to ensure the immediate preservation of life and property. These steps shall include, but are not limited to, the following:

   (a) Establish the inner and outer perimeter.

   (b) Account for the personnel on-scene and their location.

   (c) Evaluate the need to evacuate injured or potentially involved persons who are within the immediate areas of danger.

   (d) Ensure medical aid is on-scene or within close proximity and available to immediately respond if necessary.

   (e) Establish an arrest/react team and tactically position them to respond appropriately to the action of the suspect.

   (f) Attempt to establish preliminary communications with the suspect to negotiate a resolution.

   (g) Establish an Incident Command Post.

   (h) Identify a location for a Tactical Command Post, considering the anticipated arrival of SWAT Team personnel and accompanying support vehicles.

2. Tactical Command Responsibilities:

   - The first arriving SWAT Team operator shall report to the Incident Commander and shall be briefed on the current status of the incident and deployment of Field Operations personnel and resources. The SWAT Team operator shall ensure the initial preparatory safety steps have been accomplished and will manage the incident in conjunction with the Incident Commander. The initial SWAT Team operator shall direct the deployment of subsequent arrival of SWAT Team personnel and will maintain his/her duties until relieved by a SWAT Team supervisor. The SWAT Team

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supervisor shall assume the role of Tactical Commander, until relieved by the SWAT Team Commander.

406.7 TRAINING

(a) Training Overview:

1. Initial Training:

   - SWAT Team operators and sergeants shall successfully complete a POST certified Basic SWAT Academy and demonstrate proficiency in the listed Core Competency Training areas before fully participating in SWAT activations or deployments.

2. Core Competency Training:

   (a) Tactical deliveries: Weapons, munitions and equipment

   (b) Individual/Team movements and tactical operations

   (c) Decision making

   (d) SWAT Team integration

3. SWAT Training Disciplines and Compliance:

   - Specific SWAT training topics, disciplines and guidelines shall be contained within the Special Operations Division SWAT Team Operational Procedures Manual. The manual shall articulate and detail the departmentally approved tactics to be trained to safely resolve SWAT Team related critical incidents and activations.

(b) SWAT Team Training Requirements:

(a) Designated training for METRO ("Red" Team) shall consist of one (1) full duty day per week (25% of their duty time) and one (1) full week (40 hours) per calendar year.

(b) Designated training for collateral SWAT Blue and White Teams shall consist of two (2) full duty days per month and one (1) full week (40 hours) per calendar year.

(c) Designated training for the Long Rifle/Observers Team shall consist of two (2) full duty days per month and one (1) full week (40 hours) per calendar year. One (1) training day every other month shall be dedicated to cross training with METRO/SWAT.

(d) Designated training for the SWAT K-9 Teams shall be determined by the training topic. SWAT K-9 Teams shall attend team movement related training sessions.

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(e) Designated training for ENT shall consist of a minimum of four (4) hours of duty time, one (1) day per month.

(f) TSU shall conduct on-going training as necessary.

(g) Designated training requirements for all SWAT Team elements may be changed to meet the needs of the Department.

(c) Command/Executive Training:

- Command and executive level personnel are encouraged to attend team training sessions for managing the SWAT Team functions at the organization level and to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the SWAT Team.
- It is preferred that Command level Officers who may assume tactical command responsibilities, attend a SWAT or a Critical Incident Commander training course or its equivalent. The SWAT Team Commander should also attend a POST certified SWAT commander or tactical commander course, or its equivalent upon his/her appointment.

(d) Updated Training:

- SWAT operators, sergeants and lieutenants should attend and complete 24 hours of POST certified SWAT update or refresher training, or its equivalent every 24 months. Other advanced training assignments should be evaluated by the SWAT Team Commander and approved, based upon a needs assessment, to obtain or maintain function specific certification.

(e) Training Responsibilities and Documentation:

(a) The SWAT Team Commander or his/her designee shall:

(a) Approve the annual training calendar.

(b) Approve training outlines and curriculum to ensure compliance with departmentally approved tactics, policies and legal standards.

(c) Ensure the training and attendance records are forwarded to the Training Bureau for retention and documentation in personnel training files.

(d) Ensure that a supervisor is assigned and present for the entirety of all SWAT Team training sessions.

(e) Authorize the absence of SWAT Team personnel from required training sessions.

(b) SWAT Team sergeants or designees shall:

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(a) Prepare an outline of the training session to include date & time, training location, curriculum and the listing of supplies necessary for effective training.

(b) Ensure the training is organized, consistent, and current.

(c) Ensure a safety officer is designated for each training site and/or training sessions.

(d) Ensure a POST certified firearms instructor is present for all firearms training sessions.

(e) Ensure a general first aid kit and a law enforcement trauma shooting kit is available at every range site in use by SWAT Team operators for all firearms training sessions.

(f) Ensure that SWAT Team personnel proficiently complete all required training.

(g) Prepare an after action training report, which includes, but is not limited to, a record of scheduled personnel who attended and/or were excused from training.

(c) SWAT Team personnel shall:

(a) Report on time at the designated training location and have with them all necessary SWAT Team issued equipment and uniforms.

(b) Obtain timely approval from their immediate primary duty supervisor to be absent from their regularly assigned duties and responsibilities for the purpose of attending required SWAT Team Training.

406.8 SWAT TEAM PERSONNEL

(a) Unit Assignments:

- SWAT Team assignments are voluntary. Members are expected to be dedicated, disciplined, well-trained, and skilled within their assigned discipline. Officers are expected to maintain at least a "meets standard" rating in all categories on their annual evaluation.

1. Inactive Status:

- Personnel may be placed on "inactive status" under the following circumstances:

(a) When the SWAT Team Commander or Special Operations Division Commander, with concurrence of the Deputy Chief of Operations,

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determines that placement of SWAT Team personnel on inactive status is in the best interest of the team member and/or the Department.

(b) When the SWAT Team member receives a less than "meets standards" performance evaluation.

(c) When the SWAT Team member fails to demonstrate firearms proficiency during any portion of the range qualifications.

(d) When the SWAT Team member fails to pass the physical agility test.

(e) Due to medical restrictions.

(f) At the request of the SWAT Team member, based upon articulated reasons.

- Personnel who are designated as "inactive" must continue to participate in scheduled training, unless prevented by illness or injury, or excused by the SWAT Team Commander. Inactive status personnel will not participate in SWAT Team missions.

2. Removal From SWAT Team:

- SWAT Team personnel serve at the discretion of the SWAT Team Commander. Any employee who fails to perform satisfactorily, fails to maintain SWAT Team operational readiness, or conducts himself/herself in a manner that reflects discredit on the SWAT Team or the Department may be removed from the team, at the discretion of the Division Commander.
- Personnel who are removed from the SWAT Team shall have a right to appeal the decision to the Deputy Chief of Operations, or designee. That decision, upon appeal, shall be final.

(b) SWAT Team Candidates:

(a) Must have satisfactorily completed probation at the time the Request for Transfer form is submitted.

(b) Candidates for the METRO, Blue, White, Long Rifle/Observer, and K9 Teams must be in excellent physical condition and successfully complete the SWAT Team's physical agility course prior to appointment. The SWAT Team's physical agility course will ensure the team member or candidate is capable of performing strenuous duty by maintaining extraordinary physical conditioning as measured by:

- Cardiovascular efficiency
- Flexibility
- Upper body strength

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- Balance
- Coordination
- Stamina
- Maneuvering in confined spaces
- Carrying heavy equipment

(c) Candidates for the METRO, Blue, White, Long Rifle/Observer, and K9 Teams must successfully pass the SWAT Team or Long Rifle/Observer Team's shooting assessment and oral interview.

(d) Must have at least a "meets standards" in each of their past two performance evaluations.

(e) Final approval for selection to the SWAT Team shall be made by the Captain of the Special Operations Division, with concurrence from the Deputy Chief of Police, Operations.

(c) Active METRO, Blue, White, Long Rifle/Observer, and K9 SWAT Team Members:

(a) Shall successfully complete a POST certified basic SWAT course within one year of appointment.

(b) Shall qualify monthly with their departmentally approved lethal weapon systems.

(c) Shall qualify bi-annually with their issued departmentally approved less-lethal weapons.

(d) Shall qualify quarterly and successfully complete the SWAT Team's physical agility course.

(d) Active Long Rifle/Observer Team Members:

- Long Rifle/Observer Team members must successfully complete a POST certified basic Long Rifle course within eighteen (18) months of appointment.

(e) Emergency Negotiations Team Members:

(a) Must have at least three years of sworn police experience.

(b) Must successfully complete a POST certified Negotiations Course.

406.9 SWAT EQUIPMENT

(a) Accountability and Responsibility:

1. SWAT Team personnel shall maintain SWAT equipment in a constant state of operational readiness.

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2. All weapons assigned to SWAT Team personnel shall remain under the control of the assigned employee or shall be safety secured at all times.
3. SWAT Team personnel shall be responsible for all departmentally issued equipment. Equipment that is lost or damaged shall immediately be reported to a SWAT supervisor.
4. All personnel who are separated from the SWAT Team shall promptly return all SWAT Team weapons and equipment to their SWAT supervisor.

406.10 SWAT TAKE-HOME POLICE VEHICLES

(a) Purpose and Objective:

- Marked and unmarked police vehicles are assigned to SWAT Team personnel to enable a rapid initial response to SWAT Team callouts or crisis situations.

(b) Procedure:

1. A number of marked and unmarked police vehicles will be assigned to the SWAT Team. At the discretion of the City Manager, some of these vehicles may be taken home by SWAT members.
2. If a SWAT Team member is authorized to use a city vehicle for commuting to and from work & home so as to be able to immediately respond from their home to an emergency callout of the SWAT Team, he/she must be able to arrive at the designated duty location within sixty (60) minutes of notification without driving Code Three.

(c) Restrictions:

1. The police vehicle shall be secured at the team member's place of residence in a locked garage or similar facility.
2. Police vehicles shall not be parked overnight on the street, on an open driveway, an open parking lot, or in a carport.
3. SWAT Team personnel shall carry all necessary tactical equipment with them in the trunk of the vehicle for immediate response to the scene.
4. SWAT Team personnel shall not use a take home vehicle to attend any school outside the immediate area without approval of the Division Commander.
5. SWAT Team personnel shall not leave a vehicle at their residence while on vacation.
6. Use of the vehicle shall be restricted to work related duties. The use of the vehicle for personal reasons is prohibited.

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Ride-Along Policy

407.1 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.

407.1.1 ELIGIBILITY

The Riverside 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 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

407.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. Each ride-along should generally last no longer than four hours. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.

407.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Ride-Along Coordinator. 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 Ride-Along Coordinator will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

407.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in the Police Cadets Policy.

407.2.2 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.

407.2.3 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 participate in any law enforcement activity except as emergency circumstances may require. Officers participating in the ride-along program may carry a firearm but shall not draw or use the weapon except in the preservation of life or to prevent great bodily harm. Officers may wear their police identification card or badge on their outermost garment at all times during the shift in lieu of wearing the "Ride-Along Identification Card."

407.2.4 FAMILY MEMBER RIDE-ALONGS

(a) Spouses of sworn personnel are allowed to participate in the “Ride-Along” Program. Those spouses will not be allowed to ride with their husband or wife. Once the spouse is approved to ride-along, the Watch Commander for the specified shift will assign the ride-along's spouse to ride with a Sergeant on that Watch.

(b) Other family members of sworn personnel are allowed to participate in the “Ride-Along” Program. The Watch Commander for the specified shift will assign the ride-along's family member to ride with an officer or supervisor.

407.2.5 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 Riverside Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

407.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation

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and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The officer assigned to conduct the ride-along of a visiting peace officer shall give the visiting officer an explanation of the Riverside Police Department policy on the discharge and use of firearms.

407.4 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

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Tours of Police Facilities

408.1 PURPOSE AND SCOPE

It is the intent of this policy to outlilne the process for conducting tours of Riverside Police Department facilities.

408.1.1 RESTRICTIONS

(a) Any tours conducted through Riverside Police Department facilities will be accompanied by Department personnel.

(b) Tours will normally be arranged through Division Commanders.

(c) No tours are permitted at the Special Investigations Bureau/Magnolia Station facility.

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Hazardous Material Response

409.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

409.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant, pathogen, or strong sensitizer and thereby posing a threat to health when improperly managed.

409.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Do not enter the scene of a hazaredous material spill. Request Fire Department and stage with fire personnel.

(f) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(g) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

409.3 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 employee memorandum that shall be forwarded via chain of command to the

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Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

409.3.1 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.

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Hostage and Barricade Incidents

410.1 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.

410.1.1 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.

410.2 POLICY

It is the policy of the Riverside 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.

410.3 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.

410.3.1 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.

410.4 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.

410.4.1 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.

410.4.2 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, 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 interview.

(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 of 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.

410.5 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 Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT 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, telephone service).

1. 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, 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 the 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.

410.6 SWAT RESPONSIBILITIES

The Incident Commander will decide, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT 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 and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

410.7 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.

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Response to Bomb Calls

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Riverside Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such 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 should always be the primary consideration.

411.2 POLICY

It is the policy of the Riverside Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

411.3 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.

411.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

411.4.1 RIVERSIDE POLICE DEPARTMENT FACILITY

If the bomb threat is against the Riverside 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.

411.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Riverside Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

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411.4.3 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.

411.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Riverside, 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.

411.5.1 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.

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(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:

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.

411.6 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 certified bomb technicians with the Technical Services Unit or another 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. They should also refrain from turning on or off any such equipment when in the vicinity of the suspected device. This includes the following:

1. Two-way radios

2. Cell phones

3. Other personal communication devices

(d) The Technical Services Unit bomb technicians or another 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:

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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.

411.7 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 to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

411.7.1 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.

411.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Technical Services Unit
- 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

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411.7.3 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.

411.7.4 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 long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Mental Illness Commitments

412.1 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).

412.2 POLICY

It is the policy of the Riverside Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

412.3 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

412.3.1 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) Transport the person 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, either by a police report or a CAD entry.

412.4 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:

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(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

(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.

412.4.1 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).

412.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have the 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. The officer shall notify a supervisor as soon as practicable.

412.6 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.

412.7 DOCUMENTATION

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.

412.7.1 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).

412.8 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.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

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(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.

412.9 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 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).

412.9.1 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 City Attorney's Office, 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.

If a petition to the Superior Court is proper, the City Attorney's Office will initiate the petition within 30 days of the release of the individual from whom such weapon has been confiscated, unless the City Attorney 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 City Attorney 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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If no petition is initiated within the above specified period, the Department shall make the weapons available for return in accordance with this policy. If the person does not confirm a desire for a hearing within the prescribed 30 days, the City Attorney may file a petition for an order of default.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.

In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon may be processed for disposal in accordance with applicable law Penal Code § 33875.

412.10 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.

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Cite and Release Policy

413.1 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.

413.2 POLICY

It is the policy of the Riverside 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.

413.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

413.3 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 persons 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 he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

413.3.1 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

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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.

413.3.2 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 a Field Supervisor.

413.4 NON-RELEASE

413.4.1 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:

Disqualifying offenses include (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) 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).

(e) Stalking (Penal Code § 646.9).

(f) 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).

413.4.2 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 Field Supervisor 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 he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety

1. The Riverside Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital,

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unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.

(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 his/her 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.

(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:

(a) Previous failure to appear is on record

(b) The person lacks ties to the area, such as a residence, job or family

(c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

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 Bureau.

413.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Field Supervisor 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

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(e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics

(f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety

(g) The person has other ineligible charges pending against him/her

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person

(i) The person refuses to sign the notice to appear

(j) The person cannot provide satisfactory evidence of personal identification

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section shall be done in accordance with the provisions of this policy.

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Foreign Diplomatic and Consular Representatives

414.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Riverside Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

414.2 POLICY

The Riverside 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.

414.3 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 a supervisor.

(b) Advise the person that his/her 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.

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414.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

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414.5 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.

414.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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

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Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response And Deployment

415.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

415.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

415.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the officers have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.

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(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

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Contacts With Foreign Nationals

417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines concerning contacts with foreign nationals, whether as suspects, victims of crimes, witnesses in investigations, or other related police operations. For the purposes of this policy, the term "foreign national" shall be defined as a person who is not a citizen of the United States.

417.2 POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry. When local police officers are perceived to be engaged in the enforcement of immigration laws, members of the immigrant community, their families, and friends lose trust and confidence in their police department. Significant numbers of community members become less inclined to report crimes, identify criminals and participate in the criminal justice system. Therefore, the Riverside Police Department shall not undertake immigration investigations. Also, officers shall not inquire into an individual's immigration status for immigration enforcement purposes. (Government Code § 7284.6)

A person's right to utilize police services is not contingent upon citizenship or immigration status. Therefore, Department personnel should not question victims, witnesses or arrested persons about their citizenship/immigration status except when the issue of immigration is relevant to the crime being investigated. For example, the victim of a violent crime may qualify for a U-Visa or a T-Visa (see 428.4.1), or officers are investigating a human smuggling case and the immigration status of a witness or victim is an integral part of the investigation. In the case of a traffic stop or any other infraction Department personnel shall not inquire as to the citizenship/immigration status of the driver of the vehicle and/or any passenger.

417.3 NOTIFICATION TO IMMIGRATION AUTHORITIES

On occasion, in order to protect public safety, a member of the Department may ensure that ICE is notified of the arrest of a person who is reasonably suspected of being in the United States unlawfully and/or whose lawful status may be subject to revocation due to that person's involvement in criminal activity.

Notification to ICE of an arrest shall only occur where:

(a) The person has been arrested for committing a serious or violent felony, as defined in Penal Code 1192.7 (c) or 667.5 (c); and

(b) A magistrate has made a finding of probable cause as to that charge pursuant to Penal Code 872.

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When an officer concludes that notification to ICE pursuant to the above criteria is warranted, and it would be in the best interest of public safety to prevent the detainee from being released into the community, such notification shall be made with the approval of a lieutenant or above assigned to the Investigations Division, or a chief officer. The information provided to ICE shall be limited to information that any member of the public would be entitled to receive (California Government Code 7282.5).

The supervisor approving such notification shall ensure that any communications with ICE are documented per the provisions of the California TRUTH Act (California Government Code § 7283). The Investigations Division Commander shall be responsible for maintaining records of all communications with ICE.

417.4 NOTICE TO INDIVIDUALS

In the event the Riverside Police Department receives from ICE, a hold, notification or transfer request for an individual that is arrested, detained or otherwise under their control, the Department shall provide a copy of said document to the individual. The individual shall also be informed of whether the Department intends to comply with the request by ICE (California Government Code § 7283.1(b)).

Should the Riverside Police Department, for whatever reason, have to notify ICE that an individual will be released at a certain date and time; the same notification shall promptly be provided in writing to the individual and his/her attorney, or designee (California Government Code § 7283.1(b)).

417.5 ICE INTERVIEWS

The Riverside Police Department shall provide a written consent form to an individual that is arrested, detained or otherwise under their control, upon a request by ICE to interview that individual. The consent form shall be provided prior to the interview and will explain the purpose of the interview, that the interview is voluntary and that the individual may decline to be interviewed, or may choose only to be interviewed with their attorney present. The consent form must be available in the languages referenced in California Government Code § 7283.1(a).

See attachment: Truth Act Form 1 See attachment: Truth Act Form 2 See attachment: Truth Act Form 3

417.6 COMMUNITY FORUM

As required by law, the Riverside Police Department will be responsible for conducting at least one annual community forum, if in fact the Department has provided ICE access to an individual during the last year. The forum shall be open to the public and the location shall be accessible to all members of the community. The Department shall ensure 30-days' notice, to provide information to the public about ICE's access to individuals and to receive and consider public comment (California Government Code § 7283.1(d)).

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417.7 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Division Commander. The Investigations Division Commander or designee shall:

(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.

  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.

(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.

(e) Inform the victim liaison of any requests and their status.

417.8 HUMAN TRAFFICKING T-VISA

Officers and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and the documents needed for a T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed for a U visa application pursuant to Penal Code § 679.10 within 90 days of a request from the victim or victim’s family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

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417.9 USE OF LAW ENFORCEMENT DATABASES

Federal, state or local law enforcement agencies shall not use any non-criminal history information contained within law enforcement databases for immigration enforcement purposes. This restriction does not pertain to any information that is regarding a person's immigration or citizenship status pursuant to 8 USC §§ 1373 and 1644.

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Emergency Utility Service

418.1 PURPOSE AND SCOPE

The City Public Works and Utilities Departments have 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.

418.1.1 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 Utilities 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.

418.1.2 ELECTRICAL LINES

City Public Utilities is responsible for maintaining 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. City Public Utilities should be promptly notified, as appropriate.

418.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Utilities and Public Works maintain 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.

418.1.4 TRAFFIC SIGNAL MAINTENANCE

The City of Riverside Public Works Traffic Engineering Department provides maintenance for all traffic signals with the City, other than those maintained by the State of California. The City Traffic Engineering (Signal Department) should be promptly notified of any signal failures or malfunctions.

418.1.5 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the the Communications Center.

418.2 OFFICER'S RESPONSIBILITY

Upon observing damaged or malfunctioning City utility services equipment or traffic signals, the officer will advise the Communictation Bureau of the location and problem with the equipment or signal. The dispatcher should make the necesary notification to the proper maintenance agency.

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Aircraft Accidents

419.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

419.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

419.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the Coroner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

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419.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section. The NTSB may defer the investigation to the FAA.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB, FAA or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of FAA.

419.2.3 COMMUNICATIONS BUREAU RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire Department

(b) The affected airport tower

(c) Closest military base if a military aircraft is involved

(d) Ambulances or other assistance as required

When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

419.2.4 RECORDS BUREAU MANAGER RESPONSIBILITIES

The Records Bureau Manager is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the California Department of Aeronautics, the FAA and the NTSB.

(b) Forward a copy of the report to the Field Operations Division Commander and the manager of the affected airport

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419.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES
The Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or his or her designee

(b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

419.3 DOCUMENTATION

Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented.

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Railroad Grade Crossing Blocking or Delaying - RMC 10.68.020

420.1 PURPOSE AND SCOPE

To establish a procedure for communications and field personnel for recording the incidents of trains delaying the response of public safety vehicles (Police, Fire and Ambulance) en route to calls for service within the City of Riverside, and to document the investigation into incidents of trains blocking grade crossings in violation of the Riverside Municipal Code and California Public Utilities Commission regulations.

The City of Riverside is concerned with protecting the health, safety, and general welfare of the community by providing for the effective and timely provision of police, ambulance, and fire service as well as the effective operation of municipal streets. It is the policy of this Department to record incidents of delayed responses by emergency vehicles caused by the many trains traversing the city everyday and to investigate incidents of trains blocking grade crossings for filing charges against the Railroad Corporation for violation of applicable regulations of the California Public Utilities Commission.

420.2 GENERAL PROVISIONS

Riverside Municipal Code (RMC) section 10.68.020 and California Public Utilities Commission General Order No. 135 prohibits any railway train or railway car, or similar vehicle on rails, to stop or stand, or to be operated in such a manner as to block any grade crossings, or prevent the use of any street for the purposes of travel, for a period of time longer than ten minutes. California Vehicle Code § 12953 excepts the engineer or any other crewmember of any train detained by state or local police from being required to furnish a motor vehicle operator's license, nor shall any citation involving the operation of a train be issued against the motor vehicle operator's license of the engineer or any other crew member of the train. While the RMC section allows issuing a citation for violations, officers shall **NOT** cite or arrest train personnel for violations, but instead, follow the below listed procedure.

420.3 DEFINITIONS

Delayed Response : A delayed response is any time a public safety vehicle (Police, Fire and Ambulance) is delayed at a grade crossing due to a moving or stopped train while responding to a request for service.

Blockage : A train is considered blocking a grade crossing when the train, excluding a passenger train, has been stopped for more than 10 minutes in violation of CPU General Order No. 135, and pedestrians and/or vehicles are prevented from crossing the tracks due to the stoppage.

Train : A vehicle operated exclusively on rails inclusive of the locomotive and all cars connected as one unit.

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Railroad Grade Crossing : A place where a railroad intersects another railroad or a roadway on the same level.

Symbol Number : A number used by the railroads, similar to an airline flight number, assigned to a particular train to identify that train from its point of origin to the point of final destination.

Blockage Location : At every grade crossing where arms are automatically lowered upon the approach of a train is a signal housing box that is usually painted silver. On the side of this box is painted the milepost marker (Example: Iowa St. at MP 7.3), or a D.O.T. number (Example: D.O.T. 036472W).

420.4 CALIFORNIA PUBLIC UTILITIES COMMISSION GENERAL ORDER NO. 135

REGULATIONS GOVERNING THE OCCUPANCY OF PUBLIC GRADE CROSSINGS BY RAILROADS, Adopted September 11, 1974. Effective November 1, 1974.

A. IT IS ORDERED by the Public Utilities Commission of the State of California that each railroad corporation operating in the state of California shall observe the following regulations in conducting operations on and across public grade crossings:

1. TRAIN MOVEMENTS-Except as provided in Paragraph 5, a public grade crossing which is blocked by a stopped train, other than a passenger train, must be opened within 10 minutes, unless no vehicle or pedestrian is waiting at the crossing. Such a cleared crossing must be left open until it is known that the train is ready to depart. When re-coupling such a train at the crossing, movement must be made promptly, consistent with safety.

2. SWITCHING MOVEMENTS-Switching over public grade crossings should be avoided whenever reasonably possible. If not reasonably possible, such crossings must be cleared frequently to allow a vehicle or pedestrian to pass and must not be occupied continuously for longer than 10 minutes unless no vehicle or pedestrian is waiting at the crossing.

3. GRADE CROSSING PROTECTION CIRCUITS-Cars or locomotives must not be left standing nor switches left open within the controlling circuits of automatic gate protection devices unless time-out features are provided to allow the gate arms to rise.

4. There are no time restrictions for crossing occupancy for a moving train continuing in the same direction.

5. These time limit provisions shall not apply to any blocking resulting from compliance with State and Federal laws and regulations, terrain and physical conditions, adverse weather conditions, conditions rendering the roadbed or track structure unsafe, mechanical failures, train accidents, or other occurrences over which the railroad has no control, except that such crossing shall be cleared with reasonable dispatch.

6. In the event of any uncontrolled blockage involving more than one grade crossing and a peace officer is on the scene, primary consideration shall be given to the clearing of that crossing which, in the peace officer's judgment, will result in the minimum delay to vehicular traffic.

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7. A crew member of a train blocking a public crossing shall immediately take all reasonable steps, consistent with the safe operation of such train, to clear the crossing upon receiving information from a peace officer, member of any fire department, as defined in Section 2801 of the Vehicle Code, or operator of an emergency vehicle, as defined in Section 165 of the Vehicle Code, that emergency circumstances require the clearing of the crossing.

420.5 DELAYED RESPONSE PROCEDURE

420.5.1 COMMUNICATIONS BUREAU

(a) When a unit en route to a call for service advises they are delayed by a train, dispatch will:

1. Change the unit status to "TD" (Train Delay) and
2. Confirm the "exact" location of the unit and change their location in CAD, i.e. "Unit #, TD... (Location)

(b) When a unit advises they are back en route, either by circumventing the delay or the train has cleared the grade crossing, dispatch will:

1. Change the status of the unit to "ER" (Unit ER) to the originally dispatched call.

420.5.2 FIELD PERSONNEL

(a) When a unit is responding to a call for service and delayed by a train:

1. Immediately advise dispatch of the train delay and the location of the grade crossing. Dispatch will change your status to "TD" (Train Delay) and location to indicate where the delay took place. You may also do the same via the MDC (i.e.TD..Location), but it is preferred to do so via dispatch.

(b) When the unit is back en route, either by circumventing the delay or the train has passed the grade crossing:

1. Advise dispatch you are back en route to the originally dispatched call. Dispatch will change your status to "ER." This can also be accomplished via MDC (push the ER button), but it is preferred to do so via Dispatch. Failure to notify dispatch that you are back en route will result in CAD not showing your current status and inaccurate train delay information.

420.6 GRADE CROSSING BLOCKAGE PROCEDURE

A train is considered blocking a grade crossing when the train has been stopped for more than 10 minutes in violation of CPU General Order No. 135, and pedestrians and/or vehicles are prevented from crossing the tracks due to the stoppage.

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420.6.1 COMMUNICATIONS BUREAU

(a) Communications personnel may contact the railroad to ascertain reason(s) for blocking and estimated time of clearance, but shall not be directed to contact the railroad in lieu of a response and investigation by the officer.

(b) Upon receiving a report of a train blocking a grade crossing within the City of Riverside;

1. Determine the location and confirm from the caller that the train is not moving before dispatching a unit. It is not a violation of law if the train is moving.

2. Traffic personnel have the primary responsibility for investigating incidents of trains blocking grade crossings. As soon as practicable, dispatch a traffic officer to investigate. If a Traffic officer is unavailable, assign to Field Operations personnel. Do not hold the call until a Traffic officer is available.

3. If the responding unit is unable to contact the conductor or other train crew members, Communications may be asked to contact the railroad dispatcher (BNSF: 800-832-5452 & UP: 888-877-7267) to determine why the train is stopped and to obtain the train's symbol number. The number of the lead locomotive and the location of where the train is stopped (milepost marker) will need to be provided to the railroad dispatcher. The railroad dispatcher should provide the reason for the stoppage, how much longer the train will be stopped, and the Train Symbol Number.

420.6.2 FIELD PERSONNEL

(a) Upon arrival at the location of occurrence, the dispatched officer shall contact the Conductor, Engineer, or operator of rail vehicle(s) and determine if one or more of the following conditions is occurring:

1. The train is performing Federal mandated air-brake tests, or;

2. The train is operating at Federal mandated speed limits and/or physically moving at some point during the ten minute obstruction threshold limit, or;

3. The train is waiting for position of a flag-man at certain crossings during the train's operation, or;

4. The train is performing any other Federal mandated railroad testing, or;

5. There is an emergency which prohibits the train from moving.

(b) If any of these above conditions are met, a violation of the CPU General Order No. 35 for blocking CANNOT be enforced and the officer shall not take any further enforcement action. A police report is still necessary to document the reason for the blockage. The officer will attempt to obtain an estimated time for intersection clearance from an the Conductor, Engineer, or operator of rail vehicle and advise the Watch Commander of the exempted reason for blockage, and the estimated

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time for clearance. Based on this information, the Watch Commander will make a determination as to whether traffic control/directing needs to be assigned to this location.

(c) If unable to contact the Conductor, contact the railroad dispatcher (BNSF: 800-832-5452 & UP: 888-877-7267) and provide the number of the lead locomotive and the location of where the train is stopped. Milepost markers and D.O.T numbers are posted on the signal housings at each crossing to identify the exact location of the blockage. The railroad dispatcher can provide the reason for the stoppage, how much longer the train will be stopped and the Train Symbol Number.

420.7 VIOLATIONS AND REPORT WRITING PROCEDURE

A violation of CPU General Oder No. 135 may be found after an investigation has determined that the train has been stopped and blocked the crossing in excess of ten minutes, and the train is engaged in an activity NOT covered by Federal Law. When a violation has occurred, the procedure shall be as follows:

(a) The assigned officer shall conduct an investigation to determine the reason for the obstruction. If the blockage of the grade crossing is not attributable to compliance with mandatory Federal Law or an emergency, the officer shall prepare a report listing the crime heading as a violation of CPU General Oder No. 135. Do not arrest or cite train personnel. The completed initial investigation report is to be submitted to Records for processing before being forwarded to the Traffic Follow-up Unit for further investigation.

(b) Communications personnel may contact the railroad to ascertain reason(s) for blocking and estimated time of clearance, but shall not be directed to contact the railroad in lieu of a response and investigation by the officer.

(c) The Records Bureau will process the report and forward copies to the Traffic Investigations Unit.

(d) The Traffic Investigations Unit will review grade crossing cameras as soon as possible and obtain any available recordings that might exist as evidence to show when, where, and how long the train blocked each grade crossing. These recordings will be copied and forwarded to the Records Bureau for attachment to the report file in Laserfiche. The detective assigned the case will write a supplemental report documenting what grade crossing recordings have been secured and whether the recordings support a violation of CPU General Oder No. 135. The report package will be forwarded directly to the City Attorney's Office for review and consideration for filing charges against the Railroad Corporation for violation of applicable regulations of the California Public Utilities Commission.

(e) Any further follow-up required by the City Attorney's Office will be facilitated through the Traffic Bureau.

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Field Training Officer Program

421.1 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 Riverside 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 possessing all skills needed to operate in a safe, productive, and professional manner.

421.2 FIELD TRAINING OFFICER - SELECTION, INACTIVE, DE-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.

421.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Minimum of three years of patrol experience

(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

421.2.2 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 an 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.

421.2.3 INACTIVE

A Field Training Sergeant or Officer may be placed on inactive status when he/she cannot be utilized as a Field Training Sergeant or Officer but is still assigned to or affiliated with the Field Training Program.

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A Field Training Sergeant or Officer can be placed on Inactive Status for any of the following reasons:

(a) Off duty or assigned modified duty due to illness or injury

(b) Concluded or pending administrative action

(c) Appointment to a special assignment

(d) At the request of the Field Training Sergeant or Officer

(e) At the discretion of the Division Commander

421.2.4 DE-SELECTION

FTO Managers are responsible for the process of de-selection or de-certification of FTO's who no longer wish to participate in the program, who have demonstrated unacceptable performance as a trainer, or where their overall job performance drops below a Satisfactory Rating on any Performance Evaluation. Being removed from the FTO program does not constitute disciplinary action as this is an ancillary duty, but removal from the program could be used in conjunction with disciplinary action.

Nothing in the preceding paragraph would preclude an individual from reapplying to the program at a later date should he/she reassess their desire to train new personnel or feel he/she would now be qualified to fulfill the functions of a Field Training Officer.

421.2.5 INSIGNIA

Active members of the FTO program will wear two stripes on their uniforms below the police patch on each shoulder. Officers who transfer to a full-time special assignment or who are de-selected from the FTO program must remove the two-stripe patch on their uniforms. They can reapply the patches if they are reinstated into the program.

421.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Field Operations 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 the initial FTO supervisor and phase 1 FTO

(b) Conduct FTO meetings

(c) Monitor overall FTO Program

(d) Maintain liaison with FTO coordinators of other agencies

(e) Maintain liaison with academy staff on recruit performance during the academy

(f) Develop ongoing training for FTOs

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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)).

421.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Riverside Police Department who has successfully completed a POST approved Basic Academy.

421.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (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, but shall consist of a minimum of eight weeks.

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.

421.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Riverside Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Riverside Police Department.

421.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

421.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Sergeant on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed mid and end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

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421.6.2 IMMEDIATE SUPERVISOR
The FTO Sergeant shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Coordinator.

(a) Maintain and ensure FTO/Trainee performance evluations are completed

(b) Maintain, update and issue the Field Training Manual to each trainee

(c) Monitor individual FTO performance

(d) Assign training phase FTO's

(e) Complete probationary evluations

(f) Recommend re-phase or progression to the next training phase

421.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Coordinator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

421.6.4 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.

421.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations

(b) Mid and End of phase evaluations

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

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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.

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Responses to Loud Parties, Gatherings, or Events

423.1 PURPOSE AND SCOPE

Loud or large parties on private property can constitute a threat to the peace, health, safety, or general welfare of the public. Police officers may be required to make many return calls to loud or large parties in order to restore the public peace and safety. Such return calls drain the manpower and resources of the Police Department, and can leave other areas of the City without adequate levels of police protection so as to create a significant hazard to the safety of citizens and police officers.

The purpose of this policy is to provide guidance when responding to loud or large parties, gatherings, or events. If the responding police officer(s) determine the incident is a threat to the public peace, health, safety, or general welfare, this policy will allow the officer(s) to take enforcement action in order to deter additional responses, and the Department to obtain reimbursement for expenses related to any subsequent responses within 15 calendar days of the first response.

423.2 AUTHORITY

Riverside Municipal Code Sections Title 7 and Title 9; and California Penal Code Section 415(2).

423.3 RESPONDING PERSONNEL

Officers investigating loud parties, gatherings, or events have the discretion to cite noise violations as infractions or misdemeanors on the first police response. Officers may issue citations for noise violations without requiring a private person's arrest form signed by the "Reporting Party." Officers should use the "Plainly Audible standard" as defined in RMC 7.35.010 B. 11, subsections a through d in determining whether there is an enforceable noise disturbance.

<u>Plainly Audible Standard:</u>

Permitting any noise disturbance that is:

(a) Plainly audible across property boundaries;

(b) Plainly audible through partitions common to two residences within a building;

(c) Plainly audible at a distance of 50 feet in any direction from the source of music or sound between the hours of 7:00 A.M. and 10:00 P.M.; or

(d) Plainly audible at a distance of 25 feet in any direction from the source of music or sound between the hours of 10:00 P.M. and 7:00 A.M.

423.4 ENFORCEMENT ACTIONS

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423.4.1 REPORTING PARTY DOES NOT DESIRE CONTACT/PROSECUTION

When the loud party, gathering, or event, meets the plainly audible standard and the reporting party **does not** desire contact and/or does not wish to sign a private person's arrest form, the officer is encouraged to take enforcement action as described below. This enforcement action will often prevent further police responses.

(a) Issue a citation for a violation of RMC Section 7.35.010 B, 11, subsections a, b, c, or d as an infraction.

(b) Complete a Loud Party, Gatherings, or Events Report form. The officer shall include all relevant information called for on the Loud Party, Gatherings, or Events Report. Information that must be provided to Dispatch for the required premise history is contained in the gray shaded boxes on the form. An original file number shall be obtained for each response/report. Dispatch will make the appropriate amendment to the premise history.

(c) When issuing a citation for the RMC Noise Ordinance, the officer must identify the specific plainly audible standard in its entirety (i.e.7.35.010 B, 11. a., b., c., or d.) and include the individual elements in the report documenting the incident.

423.4.2 REPORTING PARTY DESIRES CONTACT/PROSECUTION

If the reporting party **does** desire contact and/or prosecution, the investigating officer will contact the victim, obtain a statement, and determine whether the victim will execute a private person's arrest form provided that the elements of PC 415 (2) are met. The investigating officer(s) will also determine whether the victim can identify the "Responsible Person" for the disturbance.

(a) When the victim can identify the "Responsible Person," the victim will execute the form and delegate the act of taking the "Responsible Person" into physical custody to the officer(s).

(b) When the victim cannot identify the "Responsible Person," the officer(s) will determine the identity of the "Responsible Person" and will then point out that person to the victim. The victim will then execute the private person's arrest form, and delegate the act of taking the "Responsible Person" into physical custody to the officer(s).

(c) In either event, the victim shall identify the "Responsible Person" and observe the physical arrest.

(d) The victim need not be in the immediate presence of the arrest but must observe the physical arrest from a location that is close enough to permit identification of the "Responsible Person." For example, it is permissible for a victim to view the arrest through his/her living room window out of sight of the arrestee(s).

(e) A RIVERSIDE POLICE DEPARTMENT INITIAL REPORT M.O. SHEET may be used as a Page 2 to the Loud Party, Gatherings and Events Report form to record the victim's information.

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(f) California law provides that any person making an arrest may orally summon as many persons as he/she deems necessary to aid him/her therein (PC 839). The law authorizes the delegation of the physical act of taking an offender into custody to the officer.

(g) The officer(s) will inform the "Responsible Person" of the arrest and the cause and authority to make the arrest. The victim need not personally advise the "Responsible Person." The law authorizes the delegation of this task to the officer(s) in order to ensure compliance with PC 841.

(h) Care should be taken to avoid any direct confrontation between the victim and the "Responsible Person," or any additional persons.

(i) Effective January 1, 2003, Penal Code Section 142, which addresses criminal liability for refusing to receive a person subject to arrest, does not apply to Penal Code Section 837 - Citizen's Arrest. Consequently, in virtually all situations involving a private person's arrest, the officer's duty is simply to "receive" the arrestee and remove him or her from the scene. 1. Once the peace officer has received custody of a person pursuant to a private person's arrest, the officer may cite and release the "Responsible Person." However, PC 849(b) gives the officer the option of releasing the arrested person from custody whenever he or she is satisfied that there are insufficient grounds for making a criminal complaint.

423.4.3 PLAINLY AUDIBLE STANDARD NOT MET

When the Plainly Audible Standard is not met in the presence of the responding officers, and the citizen does not desire contact, the officer(s) should contact the "Responsible Person" for the disturbance created by the loud party, gathering, or event, regardless if anyone desires contact and/or prosecution. Many times this initial contact may resolve the issues at the lowest possible level and avoid a second response.

423.4.4 REPORT PROCESSING

After review, the supervisor shall forward the report to the Records Bureau for processing

423.5 RECORDS BUREAU

The Records Bureau will assist Area Commanders and the City Attorney's Office in the identification of repeat locations and documentation to support reimbursement efforts.

423.5.1 CRIME ANALYSIS

Will prepare monthly reports summarizing repeat locations for Loud Party, Gathering or Event type calls for service for review by Area Commanders.

Upon identification of subject locations, the Crime Analysis Unit will provide a more in-depth analysis of calls for service at the subject location and provide a report for further documentation required by the Records Bureau.

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423.5.2 BILLING

Upon request from Area Commanders or City Attorney's Office, the Records Bureau will provide the official copies of CAD calls and associated police reports to the Police Accounting Section for billing purposes.

423.6 POLICE ACCOUNTING

Upon receipt of the documentation packet provided by Records, Police Accounting shall process the documents for billing and submit copies to the City Attorney's Office for enforcement action.

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Detentions And Photographing Detainees

424.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

424.2 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 a Mobile Audio Video (MAV) 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.

424.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

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(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.

(c) The hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

424.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the officer’s suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Riverside Police Department to strengthen our community involvement, community awareness and problem identification.

424.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

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

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

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

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

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor,

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consent should be obtained from the parent or guardian, if available, prior to transportation.

424.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

424.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

424.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

424.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer’s reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

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All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

424.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

424.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Watch Commander will forward the photo and documents to the Gang Supervisor. The Gang Supervisor will ensure the photograph and supporting documents are retained as prescribed by the Criminal Organizations Policy.

(b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Bureau. These photographs will be purged as described in the Purging the Field Photo File subsection of this policy.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Bureau in a separate non-booking photograph file in alphabetical order.

424.7.1 PURGING THE FIELD PHOTO FILE

The Records Bureau Manager will be responsible for ensuring that photographs maintained by the Records Bureau that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Riverside Police Department and the booking file remains in the Records Bureau.

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Criminal Organizations

425.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Riverside Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

425.1.1 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.

425.2 POLICY

The Riverside 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.

425.3 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.

425.3.1 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 Bureau. Any

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supporting documentation for an entry shall be retained by the Records Bureau in accordance 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 Bureau are appropriately marked as intelligence information. The Records Bureau Manager may not purge such documents without the approval of the designated supervisor.

425.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database.

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate or affiliate in a shared gang database; or 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 gang unit 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 gang unit supervisor. 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 a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Bureau after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

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It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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).

425.3.3 REPORT TO THE CALIFORNIA DEPARTMENT OF JUSTICE

The Special Investigations Division Commander or the authorized designee shall ensure that the annual report of information submitted to a shared gang database as required by Penal Code § 186.34 is submitted to the California Department of Justice.

425.4 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.

425.4.1 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 Bureau or Property Bureau, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the 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.

425.4.2 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 or entered in an authorized criminal intelligence system, as applicable.

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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.

425.5 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.

(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 Bureau Manager to train members to identify information that may be particularly relevant for inclusion.

425.6 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.

425.7 CRIMINAL STREET GANGS

The Gang Unit supervisor 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 meets 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.

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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.

425.8 TRAINING

The Training Bureau Manager 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:

(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.

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Watch Commanders

426.1 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.

426.2 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.

426.3 SPECIFIC AUTHORITY AND RESPONSIBILITIES

1. **Operational Control**:

(a) **Definition**: Operational Control is the responsibility for assignment, coordination and support of personnel assigned to Field Operations.

(b) **Field Operations**: Watch Commanders are responsible for assuring the delivery of police service on their assigned watch. Watch Commanders shall set policing priorities, approve the deployment of Field Operations personnel, and direct shift operations.

(c) **Coordination with Other Divisions**: The on duty Watch Commander should be consulted in advance of any planned enforcement activity to be implemented by any other division, bureau or unit of the deparment. The Watch Commander shall assess whether sufficient Field Operations resources are available to support the activity, if needed, or if it unreasonably conflicts with other policing priorities.

(d) **Critical Incidents**: Watch Commanders shall be notified of any critical incident, as defined in Section 358 of the Riverside Police Department Policy Manual, and should assume direct command of that incident. Watch Commanders, in assuming direct command of an incident, should activate the Incident Command System and delegate responsibilities according to that system. The availability of police services throughout the City shall be maintained.

(e) **Staffing**: Staffing for the Field Operations Division shall be maintained at sufficient levels. Watch Commanders may assign additional officers to field duty when staffing falls below reasonable levels or when warranted by the level of field activity.

(f) **Overtime**: Watch Commanders are responsible for the proper management of overtime on their watch.

2. **Roll Call Briefing**:

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(a) **Attendance**: Watch Commanders should attend the briefing.

(b) **Promptness**: Watch Commanders shall ensure the briefing begins at the appointed time and complies with the provisions of Section 404 of the Riverside Police Department Policy Manual.

3. **Inspections**:

(a) **Personnel**: Watch Commanders shall ensure that personnel under their command are inspected on a regular basis and shall require correction of deficiencies. Inspections should include issued equipment, uniforms and personal grooming.

(b) **Equipment**: Watch Commanders shall require that suitable, approved equipment is issued, proper care of equipment is given and that equipment is appropriately used. The Watch Commander should inspect department equipment on a regular basis, including availability and serviceability of equipment for filed use, and shall report deficiencies through the chain of command.

(c) **Facility**: Watch Commanders shall report deficiencies to the Support Services Division, through the Chain of Command.

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Mobile Digital 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 the Communications Center.

427.2 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).

427.3 POLICY

Riverside 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.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

Employees shall adhere to the City's policy as outlined in Section 03.002.00 of the Administrative Manual covering Technical Resources Use and Monitoring Policy.

All calls dispatched to patrol units should be communicated by voice and MDC whenever possible unless otherwise authorized by the Watch Commander.

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

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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.

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.

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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 the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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.

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Video and Audio Recording

428.1 PURPOSE

The purpose of this policy is to enhance the public's trust in their police department, while improving officer safety, and providing the best evidence possible to substantiate facts during a police incident. This evidence is vital while presenting cases during legal proceedings and assists in the ongoing training of personnel. It is understood that the laws governing the use of technology in police work often change and evolve. As a law enforcement organization, we are singularly committed to the supremacy of the law. Therefore, our policies and practices will likewise defer to the law, as a minimum standard, for the protection of all persons, whether they are defendants, members of the community or employees.

This policy is intended to apply to the use of audio and video evidence gathered by police personnel via digital audio recorders, body-worn video systems, mobile video systems and any other similar technology that may be developed subsequent to the adoption of this policy.

428.1.1 POLICY

It is the policy of the Riverside Police Department that uniformed personnel shall make reasonable efforts to record, in their entirety, all traffic stops, all officer-initiated pedestrian stops, service of arrest or search warrants, all parole or probation searches, all dispatch-initiated activity, and whenever directed to do so by a superior officer. There is no expectation for employees to run any recording system non-stop for the duration of their shift. Recording devices shall be turned on and off for particular incidents in accordance with this policy.

Employees are prohibited from intentionally recording personal contacts not related to official duties, and for this reason shall not record other employees except when such recording is incidental to a recording otherwise required or permitted by this policy. Employees should not knowingly record conversations with witnesses where their identity would otherwise be unknown and recognition of the person would compromise an investigation or subject the person to unreasonable risk.

Employees who are issued both a digital audio recorder and Body-Worn Camera Systems (BWC) need not activate both simultaneously, but shall rely on the BWC as their primary recording system. Employees who have activated their Mobile Video Camera System (MVC) are still required to activate the BWC upon exiting the vehicle, and to continuously operate it until the conclusion of the incident or until they are permitted to turn it off in accordance with this policy.

Employees who are driving a vehicle equipped with a MVC shall use this system in accordance with this policy. Employees who do not have a vehicle equipped with an operational MVC, but are equipped with a BWC, shall activate the BWC whenever required to record in and out of their vehicle. This includes during police pursuits if the vehicle is not equipped with an MVC.

Employees should not operate the BWC in sensitive areas such as restrooms andlocker rooms, nor should they operate the BWC while viewing sensitive documents or law enforcement databases.

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Employees should give consideration to the balance between the need to preserve evidence and a victim's dignity/ privacy concerns whenever utilizing a BWC to record a victim's statement or physical condition. In such circumstances, the use of a digital audio recorder may be a preferable alternative to the BWC.

In some circumstances, a victim or witness may request that the police not record him/her. A parent or guardian may request that a child not be recorded. While police officers are not legally required to honor such a request, consideration should be given to the person's wishes and any potential evidentiary value of recording the statement. If a request not to be recorded, and the officer determines there is an articulable reason why a recording of the statement may be of no evidentiary value, the officer may accommodate the request by not recording their statement with the BWC System.

Employees are prohibited from copying, altering, editing, deleting, or distributing any audio or video recording except as authorized by this policy. All recordings are the property of the City of Riverside and are subject to review, reproduction and distribution as deemed necessary by the Chief of Police, or designee. Personnel have no privacy interest in these recordings. Such review, reproduction and distribution may be done without prior knowledge or authorization of the employee(s) involved, except as provided for under this policy.

428.2 DEFINITIONS/DESCRIPTIONS

(a) Traffic Stops are any action undertaken by an officer with the intent to cause the driver of a vehicle to stop and submit to police inquiry. For the purpose of this policy, traffic stops include the stopping of a vehicle pursuant to the use of emergency lights in/on a police vehicle, or the use of physical motions or verbal commands to accomplish the same goal.

(b) Pedestrian and Bicyclist Stops are any self-initiated action by an officer with the intent to cause a pedestrian or bicyclist to stop and submit to police authority. For the purpose of this policy, pedestrian and bicyclist stops include the stopping of a pedestrian or bicyclist pursuant to use of emergency lights on a police vehicle, the use of physical motions, or verbal commands. Further, for the purpose of this policy, pedestrian and bicyclist stops include those encounters with members of the public generally characterized as "consensual encounters" by the courts.

(c) Entirety is the period of time commencing when any action is undertaken by an officer to stop or otherwise make contact with a person(s) or vehicle(s), and concludes when the officer releases and leaves the immediate presence of the person or vehicle.

(d) Uniformed Personnel is defined as on-duty sworn and civilian uniformed employees who are assigned to engage in enforcement or investigative activities regardless of rank. This includes their regular assigned shift and uniformed overtime duty assignments.

(e) Digital Audio Recorder is a recording device issued by the Department to an employee capable of being carried in a pouch or on a clip on the Sam Brown duty belt, or within a pocket of an employee's uniform, or clipped onto the uniform.

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(f) Body-Worn Camera System (BWC) refers to a portable audio/video recording system made and intended to be worn on the person. They are designed to be attached to the employee's uniform or clothing in a manner so that they capture video of any activity occurring directly in front of the employee.

(g) Mobile Video Camera System (MVC) refers to the system installed into marked police vehicles for the purpose of creating and storing digital audio and video recordings. MVC consists of the following components:

1. Recording system mounted within the police vehicle including the camera, monitor, touch screen, CPU, and related controls.

2. Wireless transfer antennas, modems, and power management units. At no time should an officer tamper with any devices that support the BWC or MVC.

(h) Buffered Recordings are video recordings automatically and continuously captured on the MVC primary Hard Disc Drive (HDD) or removable USB Thumb Drive. Buffered video recordings are captured on the HDD even though an employee has not activated one or more of the triggers. Buffered video recordings remain on the HDD until the maximum storage capacity on the drive is reached, which is estimated to be approximately 40 hours of recordings (MVC). Once maximum storage capacity is reached, the oldest recordings are overwritten by newer video recordings (loop recording). There are five (5) triggers which will activate a recording of the MVC: activation of the emergency lights, exceeding 90 miles per hour, activation of the BWC, a significant traffic collision, or pressing the "record" button on the touchscreen. Pre-event recording from the buffered recordings is set for sixty seconds prior to the activation of any of the five triggers.

1. On the WatchGuard BWC, there is a feature named "Record After the Fact" (RATF) that will pull the buffered video in the same manner as the MVC. Under normal conditions, the capacity on the drive is estimated to store up up to 10 hours of buffered video, but it is highly dependent upon the amount of storage being occupied by videos saved locally on the hard drive of the BWC. To ensure the privacy of all employees is maintained, no buffered video shall be captured from a BWC outside the specific date and time pertaining to a documented Administrative or Criminal Investigation.

(i) Administrative Investigations include, but are not limited to, administrative personnel investigations (Citizen Complaint or Internal Investigation wherein a PC or PA number is pulled), use of force investigations, traffic accidents, K9 apprehensions, investigations on damage to property, pursuit critiques, and investigations on employee industrial injuries.

428.3 PROCEDURES

(a) The Department will issue a BWC to all uniformed personnel (as defined by this policy) assigned to Field Operations or Special Operations. Digital audio recorders and/or BWC systems may be issued to other employees at the discretion of the Division Commander. Personally owned recorders shall not be used to comply with this policy.

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(b) Employees are responsible for the proper use, care and serviceability of the BWC and digital audio recorder issued to them. Employees shall as soon as practical notify their supervisor if their BWC is inoperable.

(c) Employees are responsible for the proper use, care and serviceability of the MVC in their assigned police vehicle. Employees shall as soon as practical notify their supervisor if the MVC, or any component thereof, is inoperable. Employees shall then send a Department e-mail addressed to "HELPDESK" to the City's Information Technology Department to report the need for repair of the MVC with a courtesy copy (cc) to their immediate supervisor.

1. The police vehicle shall not be used until repair is completed unless no other marked units are available and authorized by a supervisor. If that occurs, the employee shall use their BWC anytime they would have been required to activate their MVC.

2. If the MVC becomes inoperable at any time during an assigned duty shift, the police vehicle may be operated until the conclusion of the shift at which time it shall be removed from service until repairs are completed. In that instance, the employee shall use their assigned BWC in place of their MVC.

(d) At the beginning of each duty shift, the employee(s) assigned to a marked unit equipped with a WatchGuard System shall log onto the MVC using the MVC touch screen. The log on process is explained in more detail in the most recent edition of the MVC_- WatchGuard - Training Guide that can be found on the S drive in the "Training > WatchGuard > User Training" folder.

1. The BWC shall be synced with the vehicle at the beginning of the shift (for all officers assigned to that vehicle for the shift).

(e) All incidents where recording is required pursuant to this policy shall be recorded in their entirety.

1. Employees shall not turn off the BWC recorder at any time during any contact where recording is required pursuant to this policy. If a recording is inadvertently turned off, the employee shall notify their supervisor as soon as practical, but no later than the end of the employee's shift. The MVC may be turned off if the employee will be away from the unit for an extended period of time and any video that would be recorded would likely be of no evidentiary value.

2. Whenever possible, the BWC recorder shall be started prior to the contact. If confronted with an unexpected event, an employee's first priority is always personal safety and the safety of other persons. This may require an employee to initially concentrate on possible threats or the safe operation of a motor vehicle. Employees are expected to activate their recordings as soon as it would be safe and reasonably practical to do so.

(f) Employees who are required to write a police report pursuant to any other incident will be allowed to review relevant video and audio files while completing the report to ensure accuracy and completeness. Sergeants conducting an administrative review of any incident shall review relevant video and audio files during the course of their review.

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(g) Employees may schedule an appointment with a Records Bureau supervisor to inspect the audit trail of any of their own recordings to ascertain who has listened to or viewed the recording.

(h) Employees may turn off the MVC/BWC when necessary to confidentially communicate with another employee and while not in the immediate proximity of the person(s) stopped or contacted. However, the BWC shall be restarted just prior to re-contacting that person(s) and it is highly encouraged the officer turning off the BWC communicate with other officers on scene to ensure at least one employee is capturing the involved parties on a BWC.

(i) In the event an employee discovers that he or she has failed to record an incident as required by this policy, he or she shall as soon as practical notify an on-duty supervisor or Watch Commander.

(j) In the event an employee discovers that a digital audio recorder, body-worn video system, or mobile video system may have malfunctioned, he or she shall as soon as practical notify an on-duty supervisor or Watch Commander. The employee shall also send an e-mail to that supervisor, listing the specific identifying information on the malfunctioning recorder or mobile video system and describing the malfunction so that the supervisor can arrange for replacement or repairs to be made.

(k) Replacement BWC's will be kept in the Watch Commander's Office. Any supervisor notified of a malfunction with a BWC should arrange for a replacement as soon as feasible.

(l) Employees shall note the existence or absence of any related audio or video recording(s) in any police report (including citations and FI cards) completed by them.

(m) Where multiple employees with digital audio recorders, BWC's, or MVC's are present at an incident, and recording is required, all employees shall record the incident if they are in the immediate proximity of the person or vehicle being contacted.

(n) Employees shall not delete, alter, edit, or otherwise change any audio or video recording, or attempt to perform any of these acts. Except for personnel authorized by the Records Bureau Manager, employees shall not copy any audio or video recording without the express approval of the Chief of Police or designee.

(o) School Resource Officers are not required to record routine, non-enforcement contacts with students that occur on or in the immediate proximity of school campuses, or at school sponsored activities.

(p) Officers are not required to record "non-enforcement police contacts" with the public. For this provision, "non-enforcement police contacts" are those which typically occur in welcoming or greeting the public, providing directions or assistance to the public, and those interactions in the course of promoting good police relations with the public and business community.

(q) Uniformed personnel who are functioning primarily in an administrative or support capacity may be excused from wearing a BWC or digital audio recorder where their duties would not reasonably require them to take enforcement actions.

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(r) The Incident Commander of a special event such as the policing of a festival, parade, air show, or neighborhood/ community activity is authorized to suspend the requirement to record public contact which involves welcoming, greeting, providing directions, or assistance to the public. However, employees are required to activate their recording devices when they knowingly initiate enforcement action. If the enforcement action occurs unexpectedly, employees are required to activate their recording devices as soon as it would be safe and reasonably practical to do so.

(s) The Incident Commander of a critical incident or special enforcement detail, such as a Traffic Check-Point, is authorized to suspend the requirement for uniformed personnel assigned to the incident to record all stops when, in his or her judgment, the incident is likely to involve numerous brief encounters with citizens, such that it would be too onerous to continually activate and de-activate their recording devices, and doing so would distract them from focusing on personal safety and the safety of other persons. However, officers are required to activate their recording devices when they knowingly initiate enforcement action. If the enforcement action occurs unexpectedly, employees are required to activate their recording devices as soon as it would be safe and reasonably practical to do so.

(t) Officers should only dock their BWC in the download stations as long as necessary to complete a download of their BWC. Routine charging should be conducted via the issued charging dock unless special circumstances exist.

(u) The WatchGuard BWC and MVC is equipped with a feature called "Covert Mode." Covert Mode allows a user to record audio and Video without the appearance that the system as activated. Although this can be advantageous in a small amount of instances, under no circumstances shall an employee utilize this feature without all employees present being made aware of it's use.

428.4 RECORDING PROCEDURE

(a) To make sure our agency is in legal compliance with the retention periods for different types of recordings, at the conclusion of a recording incident, officers shall classify each recording under one of the following categories on the BWC, screen of the MVC, or within the Watchguard computer software.

1. Radio Call - Any routine call dispatched by communications that isn't classified as an arrest, marked as part of an administrative review or significant incident.
2. On View - Any self-initiated activity the officer takes action on that doesn't result in an arrest, part of an administrative review or significant incident.
3. Other - Any video recording that doesn't meet the criteria of any of the other categories (training videos, etc.)
4. Arrest (Booking) - Any arrest shall be classified as such if the arrestee/detainee is transported by order of the officer to a holding facility (including ETS) police station, or detention center.
5. Administrative Review - Any incident that results in an administrative investigation (personnel complaint, supervisor administrative report (SAR), or as deemed necessary by a supervisor).

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6. Significant Incident - Any incident significant enough in nature where the recording(s) should not purge unless later authorized by a Division Commander. Examples of such incidents are officer involved shootings, in-custody deaths, mass casualty incidents, etc.
7. Accidental Recording - Any activation of a BWC or MVC that was unintentional.

(b) If a recording contains material of a potentially sensitive or embarrassing nature, the employee shall notify a supervisor who will determine if the video needs to be secured. If so, the supervisor shall send a department e-mail message to “RPD Records Mgmt” containing the incident number, date, and time of the recording so that the file can be locked.

(c) If an employee records an event with their MVC, BWC, or digital audio recorder, the incident shall be downloaded in a reasonable amount of time. All recordings shall be downloaded by the end of an officer's shift if they have a scheduled day off the following day.

428.5 RECORDING CONTROL AND MANAGEMENT PROCEDURE

(a) Except as described in paragraph (e) below, audio and video recordings will be maintained by the Records Bureau for a minimum of two years, or as otherwise prescribed by law, whichever is greater.

(b) Requests for copies of recordings will be routed to the Records Bureau, using the Digital Recording(s) Request Form. Copies of digital recordings received from the Records Bureau are considered certified and shall not be released except to the authorized person or entity.

(c) As part of an administrative investigation, Internal Affairs may request that the Records Bureau Manager or designee secure an original recording or recordings. Internal Affairs may grant access rights or copy files from the secure folder and distribute those files as necessary to complete an investigative and/or disciplinary process.

(d) Upon receipt of a request to preserve a recording as evidence, personnel assigned to the Records Bureau shall secure the recording. The recording shall not be disposed of thereafter without written authorization from the case agent, his or her supervisor, or manager in the case agent's chain of command.

(e) Recordings will be preserved as evidence based upon receipt of written direction from department managers, supervisors, case agents or other authorized personnel. Such written direction must specify the recording(s) to be preserved. The Records Bureau Manager may elect to preserve recordings, designated as having evidentiary value.

(f) Employees shall not make copies of recordings, or use personal recording devices (eg, smartphones) to capture audio or screen video from official MVC, BWC or digital audio recordings.

428.6 SUPERVISORY RESPONSIBILITIES

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(a) Supervisors shall regularly conduct random audits of the audio and video recordings made by their subordinate employees to verify compliance with this policy. While doing so, supervisors shall regularly inspect audio and video recording devices to ensure the devices are operating properly, programed correctly (accurate date, time, and officer name).

(b) Supervisors may review any relevant digital audio and video recordings prior to approving police reports, and shall review all relevant recordings prior to approving administrative reports related to those recordings. Upon review of administrative reports, it is the supervisor’s responsibility to ensure that each recording is categorized correctly to confirm the digital evidence is being retained for the appropriate amount of time.

(c) Upon notification from an employee that a recording required by this policy was lost or not made, the supervisor shall send a Department e-mail notification to "RPD Records Mgmt" as soon as practical, but no later than the end of that supervisor's shift.

(d) Often, employees can receive a training benefit from reviewing a recording of an incident that depicts the use of particular tactics. Therefore, supervisors may, with the verbal consent of the involved employee(s) and documentation of it in the Supervisor Administrative Review (SAR), use recordings of field incidents for training purposes. If an incident is captured on recording but does not meet the criteria or rise to the level of a SAR being completed, supervisors only need to obtain verbal consent from the involved employee(s). However, employees shall not, except with the express consent of the Chief of Police or designee, use recordings depicting incidents that are the subject of litigation, incidents outlined in the OIS policy, or incidents that are the subject of administrative personnel actions. Supervisors shall not use recordings that are humiliating to employees, unnecessarily gruesome, or otherwise offensive.

(e) The incident commander at the scene of any significant use of force or any other critical incident, upon determining that there is no longer a need for the involved employee(s) to continue recording, shall direct the involved employee(s) to stop recording and turn the recording device off. If the recording device is visibly attached to the employee's uniform, it should be left attached in its original location until it is photographed by a member of the Centralized Investigations Bureau. A Centralized Investigations Bureau detective should then secure the recording device from the involved employee(s). The Centralized Investigations Bureau will be responsible for uploading the recording(s) and entering the appropriate incident number. If the recording device is dislodged and falls to the ground, it should be left in place until it is photographed by a member of the Centralized Investigations Bureau. The Centralized Investigations Bureau will be responsible for securing the recording device, uploading the recording(s) and entering the appropriate incident number. (Penal Code §832.18)

(f) Supervisors shall not view buffered video recordings unless they are conducting a criminal or administrative investigation, and then may only do so with prior approval of a superior officer. Criminal investigators with their supervisor's approval are authorized to view buffered video data only when necessary as part of a criminal investigation. If asked by a superior officer, supervisors must be able to provide a specific, articulable and justifiable reason for viewing relevant buffered video recordings that conforms to the expectations of the Chief of Police.

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(g) The incident commander at the scene of any significant use of force or any other critical incident, upon determining there is no longer a need to continue MVC recording, shall direct an uninvolved supervisor to stop the MVC recording and enter the appropriate incident number.

(h) If the incident commander at a critical incident determines there is a compelling need to immediately view buffered video recordings or BWC video, the incident commander may authorize a supervisor to view the video. Viewing buffered video in these situations may be done on the specific MVC equipment in the police vehicle where the recordings were captured unless that vehicle is no longer powered up, or is part of the crime scene. In these situations, the supervisor may elect to utilize RATF in the police unit to transfer the recordings to the removable USB Thumb Drive, so they can view the files on a WatchGuard System outside the vehicle. BWC video may be viewed by connecting the BWC recorder to a department docking station and viewing the video upon download, after capturing the buffered video via the RATF function.

(i) If a supervisor is conducting or overseeing an administrative or criminal investigation and determines there is a need to preserve buffered video, the supervisor shall contact City of Riverside Information Technology and arrange to have the relevant buffered video preserved.

(j) Record After the Fact (RATF) on BWC's is a feature on WatchGuard that captures buffered video and converts a selected segment of the video file into a saved event. Approval to use RATF for any event requires the approval of a Lieutenant (or higher rank) or acting Watch Commander and only in the event of a Criminal or Administrative Investigation. There may be times an officer realizes that a BWC may contain images that may be saved via buffered video that could prove to be useful for an official investigation. In these instances, an employee should notify their supervisor so that file can be retained and downloaded via RATF to aid in the investigation.

428.7 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.

(b) Designating persons responsible for downloading recorded data.

(c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.

(d) Establishing a system for tagging and categorizing data according to the type of incident captured.

(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody.

(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.

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428.8 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

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Medical Marijuana

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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429.2 POLICY

It is the policy of the Riverside Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Riverside Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

429.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a cardholder.

(c) Investigations when a medicinal claim is made by a non-cardholder.

429.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

429.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.

(b) The card has been obtained or used by means of fraud.

(c) The person is otherwise in violation of the provisions of the MMP.

(d) The person possesses marijuana but not for personal medical purposes.

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Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

429.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

429.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors, the climate, etc.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning and other related issues can be complex. Patients, primary caregivers and cardholders who collectively or cooperatively cultivate marijuana for medical purposes are provided a defense under the MMP (Health and Safety Code § 11362.775; Business and Professions Code § 26032).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

429.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.

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(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

429.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

429.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

429.5 PROPERTY BUREAU SUPERVISOR RESPONSIBILITIES

The Property Bureau supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property Bureau supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property Bureau supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property Bureau supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Centralized Investigations Bureau supervisor.

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Responses to Vicious and Injured Animals

430.1 PURPOSE AND SCOPE

This policy is to ensure that police personnel respond to reports of vicious animals and take the necessary precautions to ensure the public safety until an Animal Control Officer arrives. Police personnel should employ tactics that ensure their safety as well as the public safety.

Police Officers will respond whenever:

(a) A human or animal is being threatened or injured by a vicious animal

(b) There is a potential traffic hazard due to loose livestock

(c) An animal is blocking traffic or causing a threat to public safety

430.2 PROCEDURE

Whenever a vicious animal is reported to police personnel the following procedure must be followed:

430.2.1 COMMUNICATIONS

(a) Dispatch an officer and supervisor to the scene

(b) Notify Animal Control and obtain an ETA

(c) Dispatch medical aid, if needed

430.2.2 OFFICERS

(a) Identify victims

(b) Request medical aid, if necessary

(c) Locate owner of offending animal

(d) Locate the animal

(e) If prudent, maintain surveillance on the offending animal until Animal Control arrives

430.2.3 SUPERVISORS

(a) Determine the number of field officers needed to ensure that an area search is conducted to locate the offending animal

(b) Determine the number of officers needed to ensure the public safety

(c) Complete administrative documentation as required per policy

430.2.4 USE OF DEADLY FORCE AGAINST ANIMALS

(a) To stop a dangerous animal:

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1. Officers are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat are not reasonably available or would likely be ineffective.
2. In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. fire extinguisher, Taser, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

(b) To euthanize a suffering animal:

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

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Bicycle Patrol

431.1 PURPOSE AND SCOPE

The Riverside Police Department has established the Bicycle Patrol 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

Vacancies in the Bicycle Patrol positions will be filled in accordance with the Department's Transfer Policy.

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.

431.3.1 BICYCLE PATROL UNIT SUPERVISOR

The supervision of officers assigned to Bicycle Patrol will be conducted by the respective Neighborhood Policing Center (NPC) Sergeants.

Within the collateral duty, the NPC Sergeant 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 Field Operations Division.

(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

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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, and attached gear bag.

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.

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 tire pump, repair tool, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

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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, the officer will contact their supervisor and obtain authorization, from the supervisor, prior to having the repair work conducted. The supervisor will have fiduciary respsonsibility for maintaining the bicycle equipment.

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 their 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.

(d) Officers are not relieved from their duty to operate a bicycle with due regard for the safety of all persons using the highway.

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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.

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(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.

(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.

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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.

432.4.3 SUPERVISOR RESPONSIBILITY
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 to 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 THE 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 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.

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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.

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.

432.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

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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 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Riverside Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Support Services Division Commander. The Support Services Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

433.2.1 ALPR ADMINISTRATOR

The Support Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

(g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

433.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. 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).

(a) An ALPR shall only be used for official law enforcement business.

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(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

(f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

433.4 DATA COLLECTION AND RETENTION

The Support Services Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data may 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.

433.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Riverside Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

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(c) ALPR system audits should be conducted on a regular basis, not to exceed two years between audits.

For security or data breaches, see the Records Release and Maintenance Policy.

433.6 POLICY

The policy of the Riverside Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

433.7 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:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Support Services 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).

433.8 TRAINING

The Training Bureau Manager 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).

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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 Riverside Police Department recognizes that members of the homeless community are often in need of special protection and services. The Riverside 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 Riverside 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 Homeless Street Outreach Team operating out of the City of Riverside Development Department Office of Housing and Neighborhoods, is a resource available to assist officers in the field who encounter homeless individuals. This team may be reached for assistance at (951) 826-2200, or at homelesshelp@riversideca.gov . The areas they can assist include the following:

(a) Respond to the scene and provide assessment interviews to identify immediate needs and make appropriate referrals.

(b) Assist these individuals in the development of short and long-term goals that include strategies to overcome the barriers to self sufficiency and to obtain permanent housing.

(c) Assist in securing social services, mainstream benefits, employment and housing opportunities, along with appropriate follow-up.

(d) Provide transportation to the referral sites.

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 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 requesting the assistance of the Homeless Outreach Team to provide shelter referrals and counseling in lieu of physical arrest.

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Whenever officers contact homeless persons, the officers should provide them with a referral to the Homeless Outreach Team.

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 Adult Abuse 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. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Public Works.

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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. If such property appears to involve a trespass, blight to the community or is the subject of a criminal complaint, the Public Works Department should be contacted to arrange for pick up and storage of property. An incident report shall be taken to properly account for the property.

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 the person held under a 5150 WIC commitment. Refer to the Crisis Intervention Incidents policy.

When a hold is not warranted, the contacting officer should contact the Deparment's Mental Health caseworker for assistance. Additionally, the Homeless Outreach Team should be summoned to the scene to assist.

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.

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Alarm Calls

435.1 PURPOSE AND SCOPE

To establish a uniform procedure for the dispatching of alarm calls.

435.2 POLICY

(a) Robbery Alarms:

1. Upon receipt of any robbery alarm at a business, Communications shall enter a police call for service, dispatch two officers, and immediately attempt to establish telephone contact with the location. If a robbery has occurred, suspect information will be obtained and broadcast. If it is reported as a false alarm, the responding units shall be notified and the Reporting Party (RP) kept on the phone until officers arrive. Communications will then instruct the RP how to make contact with the officers at the scene.
2. Upon receipt of any robbery alarm at a residence, Communications shall enter a police call for service and dispatch two officers. Upon their arrival at the location, the officers shall request that a call to the residence be placed by Communications.

(b) Burglary Alarms:

1. Upon receipt of any silent burglary alarm, Communication shall enter a police call for service and dispatch two officers or one K9 unit. A K9 unit responding from a distance shall request a closer unit to respond for the assist.
2. Officers responding to burglary alarms shall not request a responsible party prior to their arrival at the call. After the officers have arrived and determined that the location is secure, the officers may request an RP respond to the scene.

(c) Clearance of False Alarms:

1. Officers shall clear false alarms with the NR – FA (False Alarm) disposition and enter a description of their findings in the CAD call comments section; which can be done via the MDC or by notifying Communications.
2. If a field supervisor determines false alarm calls are being generated by high winds or wide spread power outages, the supervisor may chose to initiate a temporary directive, referred to as the "Wind Policy." The initiating supervisor shall then notify Communications and field units the "Wind Policy" is in effect, including a time the temporary directive will be terminated. If this occurs, officers shall clear subsequent false alarms during that time period with the NR – WP (Wind Policy) disposition.

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Public Recording of Law Enforcement Activity

436.1 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.

436.2 POLICY

The Riverside 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.

436.3 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.

436.4 OFFICER RESPONSE

Officers should promptly request 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

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an 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.

436.5 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.

436.6 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 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 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.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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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 have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; 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 Riverside 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) 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

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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.

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.

    1. 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 cause or motivation for the person's actions or stated intentions.

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(k) If circumstances reasonably permit, consider and employ alternatives to force.

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 for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

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.

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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.

(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 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian 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

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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 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).

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First Amendment Assemblies

438.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies, demonstrations, or other First Amendment Assemblies.

438.2 POLICY

The Riverside 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.

438.3 GENERAL CONSIDERATIONS

Individuals or groups present on 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 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).
- Vandalism (damage to landscaping, fountains, buildings, vehicles, etc.)
- Routing and/or rioting, looting.

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, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion 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.

(d) Express an opinion for or against any of the views, ideas, or opinions being demonstrated or expressed in any first amendment activity they encounter.

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Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate. Additionally, supervisors should continually evaluate their frontline officers for fatigue and rotate officers off the line, as needed, when there is an opportunity to make such rotations.

438.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including, but not limited to, gathering information to better prepare for future events such as; documentation of property damage, injuries, safe occupancy levels, environmental impact, waste management, fire safety, placement of medical services, emergency lanes, lighting, and the management of vehicle and foot traffic. Additionally, photographs and video recording, when appropriate, can serve to support criminal prosecutions in a number of ways, including, but not limited to, 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.

438.4 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:

- How was the gathering discovered (dispatched in response to a 911 call, flagged down, personal observation, etc.)
- Reason for responding (violent act in progress, noise complaint, property damage, etc)
- Location
- Number of participants
- 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
- Ability and/or need to make contact with the public gathering

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Responding officer(s) should not engage

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the public gathering until a plan for engagement has been established, unless immediate action is appropriate under the circumstances. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until 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.

438.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

438.5.1 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, but is not limited to:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope and type of planned activities.
- The location and the potential impact on the surrounding areas.
- Social media posts about the event and 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 the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

438.5.2 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).

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(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) Crowd dispersal strategies

(s) Over watch protection

(t) Use of chemical agents and protocol

(u) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(v) Protocol for handling complaints during the event.

438.5.3 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 Mutual Aid and Outside Agency Assistance Policy).

438.6 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

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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.

438.7 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, Pepperball, and Taser 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 or authorized designee 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, Pepperball, and TASER® 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, Pepperball, and Taser policies).

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.

When force is necessary, less lethal tools may be a force multiplier, making it safer for all involved when moving/dispersing an individual or crowd that possesses a threat to the community or enforcement and/or when making arrests

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.

438.8 ARRESTS

The Riverside 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 only be employed when alternate tactics and strategies appear 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.

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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).

(h) Timely access to restrooms, food, and water.

438.9 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).

438.10 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.

438.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include 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, the Communications Center records/tapes

(g) Media accounts (print and broadcast media)

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438.11.1 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.

438.12 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.

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Suspicious Activity Reporting

439.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

439.1.1 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. Race, ethnicity, national origin or religious affiliation 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 device).
- 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.

439.2 POLICY

The Riverside 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.

439.3 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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(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).

439.4 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 civilian 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 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.

439.5 HANDLING INFORMATION

The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Centralized Investigations Bureau supervisor
- Crime Analysis Unit
- Other authorized designees

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Chapter 5 - Traffic Operations

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Traffic Collision Reporting

500.1 PURPOSE AND SCOPE

The Riverside 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.

500.2 RESPONSIBILITY

The Traffic Lieutenant will be responsible for distribution of the Collision Investigation Manual. The Traffic Lieutenant will receive all changes in the state manual and ensure conformity with this policy.

500.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and routed to the Records Bureau for data entry into the Records Management System. The Traffic Lieutenant will be responsible for traffic collision statistics to be forwarded to the Field Operations Division Commander, or other persons as required.

500.4 REPORTING SITUATIONS

500.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a Police Department vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A property damage memorandum 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 damage to any privately owned vehicle or property. Whenever a collision occurs involving a Police Department vehicle, a Supervisor's First Report of Incident/Mishap for (1210.042) shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehiclesshall be taken in all circumstances.All collisions involving a Department owned vehicle, where there is damage to the vehicle and/or any other vehicle, property, or any claimed injury to any involved person, the vehicle’s Event Data Recorder shall be imaged before the vehicle is returned to service. If the vehicle is equipped with an active Mobile Video System, the buffered video shall be downloaded and stored before the vehicle is returned to service.

500.4.2 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 Riverside 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.

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500.4.3 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., or the potential for criminal prosecution exists.

500.4.4 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.

500.4.5 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 death, injury, or complaint of pain to any persons involved in a traffic collision.

(b) When a collision occurs during a police pursuit where the suspect driver is involved or contributes to the cause of other collisions.

(c) When the collision involves a violation of Vehicle Code Sections 12500, 14601, 20001 or 20002.

(d) When a collision occurs in which a City roadway or other engineering defect may be the primary or contributing cause of the collision or any other potential City liability exists.

(e) When a collision occurs involving any federal, state or municipality owned vehicle or property and documentation is requested.

500.4.6 NON-INJURY OR PROPERTY DAMAGE ONLY COLLISIONS
This department will not respond to non-injury or property damage only collisions, unless one or more of the following are present:

(a) The collision is causing a traffic hazard in the roadway, which requires police assistance.

(b) When one or more parties involved in the collision refuse to exchange identifying information.

(c) When one of the parties cannot furnish evidence of financial responsibility to the other party. If the driver fails to provide evidence of financial responsibility when requested by the officer, the officer shall cite the driver per 16028 (a) CVC.

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500.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, or that involving other City employees or officials, the Watch Commander shall notify the Traffic Lieutenant to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Lieutenant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

500.6 INFORMATION EXCHANGE AT COLLISION SCENE

Employees that respond to or stop at a traffic collision scene shall assist the involved parties with exchanging their information. Employees can use the Riverside Police Department Collision Report Information Cards or allow the parties to photograph the employees notebook page with the information from form CHP 555 page 1.

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Collision Review On-Duty Police Vehicles

501.1 PURPOSE AND SCOPE

To establish a process for reviewing traffic and non-traffic collisions involving employees of the Riverside Police Department during the course and scope of their duties.

501.2 DEFINITION

A collision, for the purpose of this policy, is any unintended event that produces damage or injury, involving a City vehicle (or privately owned vehicle being used for City business) under the care or control of a Police Department employee.

(a) Preventable: A preventable collision is one in which the driver is responsible, did not use proper defensive driving techniques, and/or did not follow Department Policy. All preventable collisions shall be classified as one of the following categories:

1. Category 1: A collision which occurred because of misjudgment of clearance, failure to drive defensively, or not anticipating another driver's movements. This category may also include violations of the California Vehicle Code.
2. Category 2: A collision which occurred because the employee violated or failed to comply with the California Vehicle Code, or City or Department policy and/ or procedures.
3. Category 3: A collision which occurred because the employee flagrantly or willfully disregarded their duty to drive with due regard for the safety of all persons.
    (a) It is important to note that California Vehicle Code Section 21056 states the driver of an On-Duty Emergency Vehicle (ODEV) must have "due regard" for others and is not protected from the "arbitrary exercise" of the privileges granted in CVC Section 21055. Simply stated, the absence of "due regard" forfeits the ODEV driver's exemptions from the rules of the road.

(b) Non-Preventable: A non-preventable collision is one in which the driver was not at fault and could not have been reasonably prevented.

(c) Operational Damage: An Operational Damage collision is one in which the driver is responsible, but the cause can be attributed to circumstances that are a byproduct of the course and scope of their duties. A collision that is deemed as such will generally not result in an injury or damage to privately owned property.

(d) Intentional Acts: An intentional act is any action taken which, by its very nature, one could reasonably expect resultant property damage or injury. It is not intended for these acts to be reviewed pursuant to the Collision Review policy. These acts are to be

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reviewed pursuant to other established policies and procedures (i.e. , legal intervention or road blocks).

501.3 PROCEDURES

(a) Initial Reporting: All collisions will be immediately reported to a supervisor who will be responsible for insuring that a complete investigation is conducted. All collisions that result in only damage to Police Department vehicles shall be reported by using the Supervisor's First Report of Incident/ Mishap form (1210.042) and a memo from the supervisor detailing the investigation and their recommendations. A State of California Traffic Collision Report (CHP 555 form) will only be required on collisions involving any injury or property damage to another no matter how slight. All collisions involving a Department owned vehicle, where there is damage to the vehicle and/or any other vehicle, property, or any claimed injury to any involved person, the vehicle's Event Data Recorder shall be imaged before the vehicle is returned to service. If the vehicle is equipped with an active Mobile Video System, the buffered video shall be downloaded and stored before the vehicle is returned to service

1. All collision investigation packages resulting from work-related collisions shall be forwarded to the applicable Division Commander as soon as practical.
2. Each investigation package will be reviewed by the Division Commander to insure completeness, and forwarded to the Professional Standards Bureau for assignment to the Collision Review Board.

(b) Review:

1. All vehicle collisions involving sworn personnel operating any vehicle during the course and scope of their employment shall be reviewed by the Police Department's Collision Review Board.
2. All vehicle collisions involving non-sworn Department personnel operating any vehicle during the course and scope of their employment shall be handled in accordance with ChapterIII-04 of the City of Riverside Safety Manual.

(c) Riverside Police Department Collision Review Board: The Collision Review Board, appointed by the Traffic Bureau Commander, shall review all collisions involving City vehicles being operated by sworn personnel within 15 days, when practical. The Board will determine if reasonable precautions or proper handling was exercised, and that no violation of state law or Department policy or procedure exists. The Collision Review Board will categorize theirrecommendations and report them to the Traffic Bureau Commander.

1. The Traffic Bureau Commander is the Board's non-voting Chairperson who is responsible for ensuring the aforementioned process and reporting the recommendations to his/her Division Commander. In the event the Board cannot reach a majority decision, the Traffic Bureau Commander will vote as the tiebreaker. The four voting members of the Board shall consist of a Field Operations Division Lieutenant, and a Sergeant, Detective, and Officer from the Traffic Bureau.

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2. If an employee, subject to review, believes any Board member may be unable to view the investigation package without prejudice, the employee may request, within five days of the date of the notice, that the Traffic Bureau Commander replace that person. If the request is denied, the employee will be notified as to the reasons for the refusal. Conversely, any Board member who feels they are unable to review the investigation package without prejudice may request to be substituted for that incident, at the discretion of the Traffic Bureau Commander.
3. Appearance by an employee before the Board shall be mandatory if requested by the Chairperson or the employee.

501.4 RECOMMENDATIONS

Upon completion of the review, the Collision Review Board Chairperson shall inform the Field Operations Division Commander of the circumstances of each collision and the recommendation of the Board. If preventable, the Board will also make a recommendation as to which category the incident should be classified.

(a) Sworn Personnel: Within five days of receipt of the Collision Review Board's recommendations, the Traffic Bureau Commander willnotify the employee of the recommendations of the Board.

(b) Non Sworn: Within five days of receipt of the Vehicle Incident Review Board's recommendations, the Division Commander will notify the employee of the findings of the Board.

501.5 APPEALS

An employee may appeal the recommendation of the Board to the Field Operations Division Commander within 10 days of being notified. The Captain will consider the information provided by the employee. The Field Operations Division Commander will then render a final decision within five days of receipt of the appeal.

501.6 CORRECTIVE ACTION

Upon receipt of a report of findings by the Field Operations Division Commander, each other involved Division Commander is responsible for taking appropriate corrective action to insure compliance with laws, policies, procedures, and the safe operation of all vehicles being operated pursuant to City business.

(a) Training and Prevention: Administrators and supervisors shall have the responsibility for training employees in the safe operation of vehicles the employee will operate while on duty. They shall also insure that appropriate corrective action is taken on vehicles which have been reported unsafe.

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(b) Discipline: Preventable collisions are grounds for disciplinary action. All disciplinary action for preventable collisions shall be administered in accordance with established City and Department procedures. The following guidelines generally apply unless the employee's Division Commander determines there are extenuating circumstances:

1. Employees who demonstrate a pattern of poor driving should be given a less than satisfactory performance evaluation when driving is a major portion of their job.
2. A single Category 1 collision shall result in a written admonishment or reprimand.
3. Any employee who has two Category 1 collisions or a Category 2 collision within a three-year period shall receive a written reprimand.
4. Any employee with three Category 1 collisions within a three-year period shall result in disciplinary action up to and including a 30-hour suspension from duties without pay.
5. Any employee with two Category 2 or one Category 1 and one Category 2 collisions within three years shall result in disciplinary action up to and including a 30-hour suspension from duties without pay.
6. Any Category 3 collision shall result in disciplinary action of a minimum 40-hour suspension from duty without pay or action up to and including dismissal. Other action may include a transfer and/or a demotion to a position which would not involve the operation of any City vehicle.

(c) Mitigating Circumstances: Division Commanders will consider an employee's past collision record, the type of driving done, the severity of the collision, and the potential for injury and liability. Any consideration of mitigating circumstances in deviating from the disciplinary guidelines described above must be approved by the Chief of Police or designee prior to the implementation of any disciplinary action. In addition, such consideration must be documented in the notice of disciplinary action.

501.7 EMPLOYEE RIGHTS

Employees shall be allowed to exercise legislated and/or negotiated benefits and rights.

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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 Riverside Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

Circumstances may necessitate a vehicle be stored or impounded to allow for the efficient movement of traffic, to ensure safety, to protect personal property, or for evidentiary purposes. Not all circumstances allowing for the removal of a vehicle, (for example a vehicle for parking or registration violations) should necessitate immediate removal, without a reasonable effort to notify the owner. Officers or other Department employees should evaluate every situation independently and use reasonable discretion, taking into consideration the existence of possible mitigating circumstances.

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 Vehicle Report (CHP Form 180) and accurately record the mileage (if possible) and a description of property within the vehicle (Vehicle Code § 22850). A copy of the CHP Form 180 should be given to the tow truck operator. The storage or impound shall be reported to the Communications Bureau and the original report shall be submitted to the Records Bureau as soon as practicable and no later than the officer's end of watch.

502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and is blocking the roadway or presenting a danger to the public, the officer shall contact the the Communications Center and have a rotational tow company dispatched to remove the vehicle from the scene. If a vehicle is not blocking traffic or may be safely moved, the officer may have the driver select a towing company, if necessary, and relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, the next company will be selected from the rotational list of towing companies.

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 select the next available rotational towing company. The officer will then store the vehicle using a Vehicle Report (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

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of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- 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. The registered owner must be present to authorize such a request.

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 and a vehicle release form (obtained from the Records Bureau).

502.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the authorized towing call center. The officer shall be advised when the request has been made and the towing service has been dispatched.

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Upon receiving the vehicle impound information from an officer or other Department employee, the dispatcher shall promptly enter pertinent data from the completed Vehicle Report (CHP Form 180) into the Stolen Vehicle System. A Communications Bureau supervisor or assigned lead-dispatcher shall then verify the entry within the SVS system.

502.2.7 RECORDS BUREAU RESPONSIBILITY
An approved CHP Form 180 shall be promptly placed into the report imaging system 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 Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

502.3 TOWING SERVICES

The City of Riverside periodically selects authorized tow companies to act as official tow service providers and awards contracts to those companies for a determined period of time. Those tow companies will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY

All property of evident significant value in a stored or impounded vehicle shall be inventoried and listed on the Vehicle Report (CHP Form 180) form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as

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thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department and contracted tow companies against fraudulent claims of lost, stolen, or damaged property.

502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; 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 Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; 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 under any of the following circumstances:

    (a) The vehicle was stolen.

    (b) If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.

    (c) When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

    (d) Any other circumstance 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.

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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 VEHICLE IMPOUND AND STORAGE GUIDELINES

The following is intended to provide a guideline to the storage and impoundment of a vehicle by employees of the Riverside Police Department. Nothing within these guidelines shall require the storage or impounding of a vehicle unless required by law. Employees should consider the totality of the circumstances when removing a vehicle, and ensure the decision is reasonable and in the furtherance of public safety.

Community Caretaking Doctrine

The courts have ruled this doctrine allows officer to impound a vehicle when doing so serves a community caretaking function. The following are a few examples of when a vehicle may be impounded based on the Community Caretaking Doctrine:

- When the vehicle is impeding traffic or jeopardizing public safety and convenience.
- When the vehicle is blocking a driveway or crosswalk or otherwise preventing the efficient movement of traffic (vehicle, pedestrian, bicycle).
- When the location of the stopped vehicle may create a public safety hazard (e.g., vehicle, pedestrian, bicycle).
- When the location of the vehicle, if left at the location, may make it a target of vandalism or theft.
- To prevent the immediate and continued unlawful operation of the vehicle.

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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 Riverside 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 designate a Department employee to serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code §§ 22851.3(e)(2) and 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §§14602.6(b) and 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code §§ 14602.6(b) or 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 may 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, 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, and the vehicle has been released with fees having been paid, a claim with the city clerk's office should be filed.

(d) The decision of the hearing officer shall be final. If the registered or legal owner of the vehicle in question or their agent wish to appeal the hearing officer's decision, the hearing officer shall provide that party with the instruction for filing a claim with the City Clerk's Office.

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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 Riverside 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 his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

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). No officer, even if properly certified, should perform this task. The blood draw should be witnessed by the assigned officer.

Officers should inform an arrestee that if he/she 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 he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she 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 his/her 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, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

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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 his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

(a) Advise the person of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio- and/or video-record the admonishment when it is practicable.

(c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.6.1 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 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

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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 his/her 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.

504.6.3 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)).

504.7 ARREST AND INVESTIGATION

504.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.

(b) The person is observed in or about a vehicle that is obstructing the roadway.

(c) The person will not be apprehended unless immediately arrested.

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(d) The person may cause injury to him/herself or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.7.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

504.8 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

The Records Bureau 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.

504.10 TRAINING

The Training Bureau Manager 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 Bureau Manager should confer with the prosecuting attorney's office and update training topics as needed.

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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 Bureau Commander shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Commander may request the Field Operations Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine prior to a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer shall complete a Request for Dismissal form and submit it to his/her immediate supervisor for approval. Upon approval by the immediate supervisor, the request shall be forwarded to the Traffic Bureau Commander for review and disposition. If approved, the citation and Request for Dismissal form shall be processed by the Records Bureau and forwarded to the appropriate court.

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, and a brief memorandum of explanation, shall be presented to a supervisor to approve the voiding of the citation. The citation including all copies and the memorandum shall then be forwarded to the Records Bureau.

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 Records Bureau. The Records Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be submitted to the Records Bureau for filing as soon as practicable, or by the officer's end of watch.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Bureau.

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 of Parking Violation Citations are conducted through the City of Riverside Finance Department or their designee. Appeals may be pursued sequentially at three different levels:

Level 1: Initial Administrative Review

Level 2: Administrative Hearing

Level 3: Civil Appeal

The actions necessary to appeal a Parking Violation are printed on the face of the initial City of Riverside Muncipal/Parking Violation. Parking Violations my be appealed either through US Mail or online.

505.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

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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.

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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. If the disabled motorist is on a state highway or other location outside the jurisidiction of this department, the dispatcher shall notify the California Highway Patrol, or other agency of jurisdiction, as to the need for assistance and the location.

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. Department personnel shall also not attempt to unlock a privately owned vehicle with any type of device that may cause damage. 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.

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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 Riverside City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code §§ 22652.6 and 22669.

507.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Riverside 72-Hour Parking Ordinance shall be marked and noted on the Riverside Police Department Vehicle Check/Parking Warning Card (form 2310.003 R1). 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 Vehicle Check Card. A chalk mark is not required if the vehicle odometer is visible and recorded on the Vehicle Check Card, and notice is posted on the vehicle. 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.

Vehicle Check Cards shall be submitted to the Traffic Bureau and assigned to traffic personnel for follow up, unless retained and acted upon by the issuing officer.

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 Vehicle Check Card completed and forwarded to the Traffic Bureau. Re-marking the vehicle is not required if the odometer reading has been previously recorded and notice posted on the vehicle as described above, and the odometer upon re-checking the vehicle has not changed.

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 MARKED VEHICLE TRACKING

The Traffic Bureau shall be responsible for the tracking of all Vehicle Check Cards that are submitted to the Bureau. In all other cases, it shall be the responsibility of the issuing officer.

Personnel assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Vehicle Check Cards, unless retained and acted upon by the issuing officer.

507.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored in accordance with the Vehicle Towing and Release policy by the authorized towing service, and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

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72-Hour Parking Violations

Upon the storage of a vehicle, the employee shall immediately contact the Communications Center to have the vehicle entered into the California Law Enforcement Telecommunications System (CLETS) (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 Bureau 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).

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Chapter 6 - Investigation Operations

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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 Riverside 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 CIVILIAN MEMBER RESPONSIBILITIES

A civilian 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

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information after submission of the case, the officer must notify the prosecutor as soon as practicable.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors uncertain about whether evidence or facts are material should address the issue in a written memo or telephonic correspondence to an appropriate prosecutor. A copy of the memo should be retained in the department case file. If a memo is not written, a supplemental report shall be completed to document the telephonic correspondence.

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.5.1 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 Centralized Investigations Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

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600.5.2 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) 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 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 the timely repair or replacement is not feasible.

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

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

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).

600.6 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.

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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 Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 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 seizure and use the resources that are available.

600.8 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 his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her 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).

600.8.1 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.

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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.

600.8.2 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.

600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigations 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) A usage and privacy policy is developed that includes:

1. The purposes for which using cellular communications interception technology and collecting information is authorized.
2. 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.
3. Training requirements necessary for those authorized employees.
4. 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.
5. Process and time period system audits.
6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.

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7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
8. 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 and privacy procedures and all applicable laws.

600.10 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 Division 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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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Riverside Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Centralized Investigations Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6 TRAINING

Subject to available resources, periodic training will be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.

(b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

601.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Initial interviews conducted at a SART exam facility should include a member of SART whenever possible. Follow-up interviews should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change

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of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

(a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2 and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 697.04).

2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

601.7.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

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If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). Generally, rape kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the sexual assault kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680(d)).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

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(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):

1. To be informed if a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.

2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Centralized Investigations Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Centralized Investigations Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

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601.10 CASE REVIEW

The Centralized Investigations Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

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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 Riverside Police Department seizes property for forfeiture or when the Riverside 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 Riverside 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 Riverside 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 SEIZURE

Property may be seized for forfeiture as provided in this policy.

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).

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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 which 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 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 circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

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.

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(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 Bureau Supervisor 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.

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.

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(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, that 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.
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.

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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 that 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 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 (Heath and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of 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 (Heath and Safety Code § 11469).

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 Riverside Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture

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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 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).

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Confidential Informants

603.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Riverside Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

603.2 INFORMANT FILE SYSTEM

The Narcotics Unit Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

603.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant's name and/or aliases and date of birth.

(b) LA Clear/WSIN/NADDIS check.

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features

(d) Current home address and telephone numbers

(e) Current employer(s), position, address(es) and telephone numbers

(f) Vehicles owned and registration information

(g) Places frequented

(h) Informant's photograph

(i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable"

(j) Name of officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

The informant files shall be maintained in a secure area within the Narcotics Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

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Access to the informant files shall be restricted to the Chief of Police, the Investigations Division Commander, the Special Investigations Bureau Lieutenant, the Narcotics Unit Supervisor or their designee, and the handling officer.

603.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Special Investigations Bureau Lieutenant. The officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

603.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

603.3.2 USE OF INFORMANTS BY FIELD OPERATIONS PERSONNEL

Officers assigned to Field Operations are prohibited from becoming involved with confidential informants without the prior, express approval of their commanding officer. If such approval is granted, the affected employee shall be placed under the direct supervision of an investigative supervisor. In all instances where civilian employees and officers assigned to Field Operations encounter a potential or active confidential informant, the subject shall be referred to the appropriate investigative unit.

603.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant. Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant. A confidential informant cannot be activated without a completed Informant Working File and the approval of an Investigations Bureau Lieutenant or the Investigations Division Commander.

603.4.1 ONE TIME USE OF CONFIDENTIAL INFORMANTS

The Investigations Bureau Lieutenant or the Investigations Division Commander may give authorization for the one time use of a confidential informant and/or a subject in custody, but who does not yet have formal charges filed, provided the following steps are completed:

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(a) All related computer checks (criminal history, warrants, DMV, parole and/or probation status)

(b) Evidence of true identity and how it was established

(c) LA Clearinghouse/WSIN/NADDIS check

(d) Current photograph and fingerprints

(e) Entrapment Information Form

(f) Cooperating Individual Agreement

(g) This authorization will only be provided in limited and extraordinary circumstances where there is immediate opportunity to investigate significant criminal activity. This process will be used judiciously and will not be a substitute for the usual handling of Confidential Informants.

(h) The case agent shall complete an informant working file for this one time use.

(i) Any subsequent use of the confidential informant will require a completed informant working file and the approval of an Investigations Bureau Lieutenant or the Investigations Division Commander, and the approval of the District Attorney or designee.

603.4.2 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Riverside Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Riverside Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

(a) Officers shall not withhold the identity of an informant from their superiors.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as police officers, employees or agents of the Riverside Police Department, and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional

(f) Social contact should be avoided unless necessary to conduct an official investigation, and only with prior approval of the employee's supervisor.

(g) Absent exigent circumstances, employees meeting with an informant will have a cover officer. Any deviation from this policy requires the approval of a supervisor prior to the

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meeting. Informants shall not be paid without a witness officer present. All meetings with informants shall be documented on the Informant Work Sheet within five (5) calendar days of occurrence.

(h) A one-on-one chance encounter between an employee and an informant where information is exchanged must be immediately reported to a supervisor, and documented on an Informant Work Sheet within five (5) calendar days of occurrence.

(i) Documentation on all meetings with informants shall include the date, time, location, and purpose of the meeting, description and signed receipt for any payments or favors provided, and the names of all persons present.

(j) In all instances when department funds are paid to informants, an expenditure of Undercover Funds form shall be completed in advance, itemizing the expenses.

603.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

603.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Special Investigations Unit Supervisor will discuss the above factors with the Special Investigations Bureau Lieutenant and arrive at a recommended level of payment that will be subject to the approval of the Investigations Division Commander. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

603.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. The informant will be told in advance the proposed percentage for services rendered.

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized, generally not to exceed a maximum of $150,000.

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(b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, generally not to exceed a maximum of $30,000.

603.5.3 PAYMENT PROCESS

Any method of payment is acceptable. The case number shall be recorded justifying the payment. The Investigations Division Commander's signature is required for disbursements over $500. Payments may be paid in cash out of the Special Investigations Bureau's Undercover Fund. The Special Investigations Bureau Lieutenant will be required to sign the Expenditure of Undercover Funds form for amounts $500 and under.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the Expenditure of Undercover Funds form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Riverside Police Department case number shall be recorded on the Expenditure of Undercover Funds form . The form will be kept in the confidential informant's file.

603.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

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Confidential Funds

604.1 PURPOSE AND SCOPE

To establish uniformity, accountability, and responsibility regarding the handling of Confidential Funds used to facilitate covert enforcement tactics.

604.2 POLICY

Up to $15,000 in Confidential Funds may be maintained on-site by the Investigations Division to expedite investigative operations. Additional funds may be obtained according to "flash money" procedures and maintained by the division on an as needed, temporary basis of not more than 5 days. The Chief of Police shall determine any permanent adjustment to the Confidential Funds "bank." This account must be reconciled monthly and reimbursed using established City procedures from Investigations' Professional Services accounts at least annually or more often as required to maintain the ready access of cash. All documentation shall be maintained by the Investigation Division for at least three years. Expenditure of Confidential Funds forms from informants shall be noted in the informant's file.

604.2.1 USE OF CONFIDENTIAL FUNDS

Confidential Funds may only be utilized:

(a) To purchase narcotics, dangerous drugs or other contraband for the purpose of prosecuting those persons selling or possessing the contraband;

(b) To make authorized payments to informants for information or services leading to the arrest and conviction of criminals or for information that is considered significant and credible to further an investigation;

(c) For expenses necessary to remain covert or expenses critical to solving an investigation.

(d) As "flash" money which is subsequently returned to the issuing account(s).

604.2.2 CASH PAYMENTS TO INFORMANTS

All cash payments to informants shall:

(a) Be made to informants registered according to Department C/I policy;

(b) Be decided in advance and have the appropriate supervisor's prior approval;

(c) Be documented on an Expenditure of Confidential Funds receipt;

(d) Be witnessed by a second investigator who also signs the expenditure receipt;

(e) Be evaluated against the following criteria, however no one factor in and of itself should determine the rate of compensation in any given case:

1. The amount of information provided that is significant to a particular investigation;

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2. The extent of the informant's personal involvement in the case;
3. The quality of the violator arrested;
4. The amount of assets seized;
5. The quantity of contraband seized;
6. The informant's previous criminal activity;
7. The level of risk taken by the informant;

(f) A decision to compensate an informant, and if so, in what amount shall not in any way be based upon the rate of conviction.

604.3 PROCEDURES AND RESPONSIBILITIES

604.3.1 GENERAL

(a) Each employee utilizing Confidential Funds shall be prepared at any time to produce for audit sufficient money and/or receipts to total all money advanced.

(b) Each employee utilizing Confidential Funds must maintain a monthly log categorizing each transaction involving Confidential Funds.

(c) All advances of funds shall be made by a supervisor; funds are not to be exchanged among investigators.

(d) Each advance of funds must be signed for by the receiving investigator in ink on the issuing supervisor's monthly log.

(e) Each expenditure of Confidential Funds requires either a receipt from the place of business or an Expenditure of Confidential Funds form completed in ink with the appropriate signatures.

(f) Multiple bar checks or similar expenditures not generating receipts and made on the same day may be totaled onto one expenditure form with details provided.

(g) Unless otherwise directed by a supervisor, each employee may exercise his or her own good judgement in determining how much cash is maintained at any time, however it is prudent to keep the amount on hand to a minimum to guard against loss.

(h) Investigators' monthly logs with receipts and/or completed Expenditure of Confidential Funds forms shall be submitted to the appropriate supervisor for review by the 5th of the following month.

604.3.2 SERGEANTS

(a) Make most disbursements to investigators and therefore may maintain a larger amount of Confidential Funds on hand to facilitate making those disbursements to investigators and minimize the number of advances required to be made by the Lieutenant.

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(b) Provide approval for single expenditures up to $100.00.

(c) Review each investigator's monthly log for accuracy legitimacy, and completeness, make any necessary corrections in red discussing the errors with the investigator, and sign as appropriate.

(d) Verify the validity of C/I signatures on investigators' Expenditure of Confidential Funds forms.

(e) Submit all reviewed monthly logs with attachments along with their own logs to the Investigation Division Lieutenant by the 10th of the following month.

604.3.3 DIVISION LIEUTENANT

(a) Makes disbursements from the Confidential Funds "bank" to Investigation Division Sergeants, directly to an investigator in unusual circumstances, or when a single expenditure exceeds $100.00.

(b) Provides approval for single expenditures up to $500.00.

(c) Arranges for the temporary custody and return of large amounts of cash for "flash" rolls. Requests for "flash" funds are made on a City Request for Payment (RFP) form with the appropriate signatures and charged to the Investigation Division's Professional Services account. The City's Revenue Department must be advised regarding who will be picking up the money and the required denominations so arrangements can be made with the local bank.

(d) Maintains an accounting system which documents all receipts of funds including "flash" funds and all disbursements including the return of "flash" funds to City Revenue from the main "bank" of Confidential Funds.

(e) Reviews all Sergeants' monthly logs for accuracy, legitimacy and completeness, makes any necessary corrections in red discussing the errors with the sergeant, and signs as appropriate.

(f) Makes the Confidential Funds logs and backup documentation for the month available for reconciliation by the 15 of the following month to the Department's authorized Finance section employee.

(g) Reviews the monthly and annual reconciliations and status reports to provide budget requirements.

604.3.4 DIVISION COMMANDER

(a) Authorizes single expenditures more than $500.00.

(b) Approves requests for additional funds including "flash" money as necessary.

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604.3.5 ACCOUNTING

(a) Provides a monthly reconciliation by employee using Confidential Funds to the Division Commander within 10 days of receipt of the previous month's logs. The reconciliation indicates the amount of money each employee remains responsible for and how much money was spent division-wide in each expenditure category.

(b) Provides reports on both a calendar year and fiscal year basis of Confidential Expenditures by category.

(c) Performs periodic cash counts at command change or as requested by the division Commander or Chief of Police.

(d) Provides further assistance as requested.

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Eyewitness Identification

605.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

605.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live line-up 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 line-up - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic line-up - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

605.2 POLICY

The Riverside 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 Centralized Investigations Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(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 line-up, 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.

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 line-up 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 line-up 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.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

605.6 PHOTOGRAPHIC LINEUP AND LIVE LINE-UP CONSIDERATIONS

Penal Code Section 859.7(a) requires all law enforcement and prosecutorial agencies, at minimum, to implement and comply with several regulations related to identification line-ups:

(a) All eyewitnesses shall be separated while viewing a line-up.

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(b) Investigators shall not say anything that may influence an eyewitness' identification of a suspect.

(c) Prior to conducting the line-up, the investigator shall ask the eyewitness to provide a description of the suspect, even if a prior description has been provided.

(d) Investigators shall use "blind administration" or "blinded administration."

(e) If blind administration is not used, the investigator must state the reason in writing.

(f) Prior to conducting the line-up, the investigators shall instruct the eyewitness that:

- The suspect may or may not be among persons in the line-up.
- The witness should not feel compelled to identify a suspect.
- Identifying or failing to identify a suspect will not cause the investigation to end.

(g) "Fillers" used in a line-up must match the general description of the suspect.

(h) If conducting a photographic line-up, photos of the suspect should resemble his/her appearance at the time of the incident and should not make the suspect stand out.

(i) Only one suspected perpetrator may be used for each line-up.

(j) When conducting photo line-ups, no information about the suspect's prior arrests shall be visible to the eyewitness.

If an eyewitness identifies a suspect during the line-up:

(a) The investigator shall ask the eyewitness their level of confidence in the identification. The eyewitness' response must then be documented in writing, and it must be verbatim.

(b) No information about the identified suspect shall be given to the eyewitness prior to obtaining and documenting his/her statement of confidence.

(c) Investigators shall not confirm or otherwise validate/invalidate the eyewitness' suspect selection.

Penal Code 859.7 requires all line-up procedures to be video recorded. If video recording is not possible, audio recording may be used, however, the investigator must state in writing why video recording was not feasible.

A live line-up 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.

605.7 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic line-up is utilized, a copy of the photographic line-up 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.

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605.8 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 line-up identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo line-up 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.

(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, membersshould 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.

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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 Riverside Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

606.2 POLICY

The Riverside 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 Riverside 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 protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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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:

(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

    1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

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.

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Threats Against Employees

607.1 POLICY

(a) Any employee of this Department receiving information of a threat against any member of the Department shall:

1. Reduce the information to writing, including all pertinent information, i.e., related file numbers, informant's name, etc.;
2. Submit the information to his/her immediate supervisor, who shall evaluate the information and determine if immediate follow-up is necessary. If the supervisor determines that immediate follow-up is desirable, he/she shall contact the Central Investigations Bureau on-call supervisor without delay, as well as ensure that copies of all reports are forwarded in a sealed envelope to the threatened employee's Division Commander and involved investigative personnel. The supervisor shall notify his/her next level supervisor in a timely manner so that appropriate notifications can be made to the Chief of Police via chain of command.

(b) The on-call supervisor, upon receiving information of a reported threat, shall:

1. Notify a detective in the Criminal Intelligence Unit for a Threat Assessment and/or other appropriate investigative personnel to conduct an immediate investigation.

(c) The Division Commander of the threatened employee shall:

1. Notify the person threatened;
2. Arrange necessary and proper precautionary measures to insure the safety of any threatened employee;
3. Keep the Central Investigations Division Commander informed of all precautionary measures taken.

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Unmanned Aerial System (UAS) Operations

608.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, 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.

608.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

608.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

608.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
- Developing protocol for deployment of the UAS.

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- 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.

608.5 USE OF UAS

Unplanned Operations: The on duty Watch Commander, or the UAS Coordinator,will screen all initial requests to use a UAS to determine if they fall within department policy. If a UAS is requested, an on duty UAS pilot will be contacted for the request. If the request is after hours, the UAS Supervisor, or if unavailable, the UAS Coordinator shall be contacted regarding the request. If the request is granted the flight crew will ensure the UAS can be flown in a safe and legal manner before deployment. The final decision for deployment will rest with the pilot in command.

Pre-Planned Operations: The UAS Coordinator or the UAS Supervisor will screen and approve all pre-planned operations, including but not limited to, warrant service, special events, public demonstrations, and SWAT operations. THe on duty Watch Commander will be notified of the use of the UAS during these events.

With the approval of the UAS Coordinator, specialized units may purchase and retain their own UAS so long as they submit their flight information to the UAS coordinator on a monthly basis. All authorized operators and required observers in specialized units shall complete all required FAA and Department approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

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Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

608.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

608.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, and use 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 loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property 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 was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(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.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Officers shall set forth the facts and circumstances of the damage and/or loss in a memorandum attaching thereto a copy of the police report which should also contain the loss and/or damage concerning the incident; appropriate repair or replacement receipts and/or the damaged property if such is to be replaced rather than repaired.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation regarding the damage and/or loss of the property. The supervisor's memo shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by the Division Commander and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

Total reimbursement per employee pursuant to this policy shall not exceed $100.00 per fiscal year. Subject to the same dollar limitation, reimbursement for civilian clothes shall be at the level equal to the comparable uniform component.

700.3.1 REPORTING REQUIREMENT

A verbal report 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 real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

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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 Riverside 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-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued PCDs. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the

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affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

701.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(b) Employees shall promptly notify the Department regarding the loss or theft of any PCD used for department business in the event the PCD is lost or stolen.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.

(d) The device shall not be utilized to record or disclose any 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 with the Department, without the express authorization of the Chief of Police or the authorized designee.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisor to ensure appropriate compensation. Employees 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 record keeping.

701.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

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(a) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications

(b) Employees may use a PCD to communicate with other personnel in situations where the use of the radio 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.

(c) Officers are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(d) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

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.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

Although California Vehicle Code sections 23123(d) and 23123.5(e) permit the use of PCDs by police officers operating emergency vehicles, it is the Department's expectation that all employees will use a hands free device while driving. Employees driving on-duty emergency vehicles shall use a hands free device whenever one is available, unless exigent or extenuating circumstances prevent such use.

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701.9 OFFICIAL USE

Employees 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, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects

(b) Hostage situations

(c) Mobile Command Post

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political or community events

(f) Investigative stakeouts

(g) Emergency contact with an allied agency or allied agency field unit

(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

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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. All weapons should be removed from the vehicle and secured.

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:

- Less-lethal shotgun
- Stop sticks
- Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First Aid / Trauma kit
- Protective gloves

702.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 Roll Crime Scene Barricade Tape
- 1 First aid / Trauma kit
- Magnetic police placards

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 authorized locations.

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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.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service" placards at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

703.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure City-owned vehicles are used appropriately. For the purposes of this policy, "City-owned" includes any vehicle owned, leased or rented by the City.

703.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

703.3 USE OF VEHICLES

Unless personal use has been granted, City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the member is on duty and the vehicle is in operation.

703.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted.

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 the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

703.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing a City-owned vehicle for any purpose other than their regularly assigned duties shall notify the Watch Commander of the reason for use. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

703.3.3 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

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703.3.4 PARKING
Except when responding to an emergency or other urgent official business requires otherwise, members driving City-owned vehicles should obey all parking regulations at all times.

703.3.5 INSPECTIONS
When transporting any suspect, prisoner or arrestee, the transporting officer shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

703.3.6 PRIVACY
All City-owned vehicles are subject to inspection and/or search at any time by a supervisor with or 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. A search of an employee's assigned vehicle may be conducted by the department under the following circumstances:

(a) The member is notified that a search will be conducted and is given an opportunity to be present during the search, or

(b) A search warrant has been issued for the member's assigned vehicle, or

(c) The member consents to a search of the vehicle.

703.3.7 ALCOHOL AND DRUG USE
Members should not operate a City vehicle at any time when under the influence of drugs and/or alcohol. Unless authorized to do so, members may not consume alcohol within the four (4) hour period preceding or while driving a City vehicle.

703.4 ASSIGNED VEHICLE AGREEMENT
Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business as approved by the Chief of Police, and in accordance with any applicable Memorandum of Understanding. The member must be approved for an assigned vehicle by his/her Division Commander and shall sign an agreement that includes the following criteria:

(a) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.

(b) City-owned vehicles shall not be used for personal errands or other personal business beyond a reasonable minor detour while enroute to or from work or during the course of normal City business, unless approved by a supervisor for exceptional circumstances.

(c) The Department should provide necessary care and maintenance of the vehicle.

(d) The vehicle shall be parked in secure off-street parking when parked at the member's residence.

(e) Vehicles shall be locked when not attended.

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(f) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms and Qualification Policy regarding safe storage of firearms at home);unless the weapons are stored in a locked container designed for that purpose, affixed to the vehicle and approved for use by the employee's Division Commander.

(g) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the member's residence or at the appropriate department facility.

(h) All department identification, portable radios and equipment should be secured.

(i) Employees who are assigned a take-home car, and will be away from their normal duty assignment for a period exceeding 30 consecutive calendar days, shall relinquish the assigned vehicle to their Division Commander during the absence and may resume use of the vehicle upon return to regular duty.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time subject to applicable Memoranda of Understanding.

703.5 KEYS AND SECURITY

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

703.6 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Riverside Police Department, an officer should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Officers may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Officers shall, at all times while on duty and driving a marked City-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

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Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make periodic inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

703.7.1 ACCESSORIES AND/OR MODIFICATIONS
No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander.

703.8 VEHICLE DAMAGE, ABUSE AND MISUSE

When a City-owned 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 also Traffic Collision Reporting Policy).

Any significant damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Division Commander.

703.9 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating a City-owned vehicle upon the toll road shall adhere to the following:

(a) All members operating a City-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

(b) All members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

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Cash Handling, Security and Management

704.1 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.

704.2 POLICY

It is the policy of the Riverside 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 the public trust.

704.3 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.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions. 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 or invoice require a memo or authorization from command. The Department will adhere to City Policy 07.005.00, Petty Cash Purchases.

704.5 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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The Fund Manager will also facilitate the annual audit performed by the City Hall Finance Department. Duties shall adhere to City Policy 06.007.00 regarding cash handling and receipt.

704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Narcotics Unit supervisor duties shall discharge those duties in accordance with the Property and 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.

704.7 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.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime Analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime Analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime Analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Records Management System (RMS) data
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate commands or persons on a timely basis. 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

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units. When information pertains to tactical and strategic plans, it should be provided to all affected commands.

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Communication Operations

801.1 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.

801.1.1 FCC COMPLIANCE

Riverside Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

801.2 COMMUNICATION OPERATIONS

This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 911 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between the Communications Center and officers.

801.2.1 COMMUNICATIONS LOG

It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Control number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident

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801.3 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.

The the Communications Center shall be responsible for the efficient operation of the radio system. The radio system includes mobiles, Handi-Talki's and chargers. This shall include issuance, repair, installation, replacement and purchasing of equipment.

801.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

801.3.2 MAINTENANCE AND COPYING OF 24-HOUR RADIO/TELEPHONE TAPE RECORDINGS

Communications personnel shall record all radio and telephone traffic on designated extensions on a 24-hour basis. The audio shall be recorded directly to a hand disk or other storage for on-line review. Recordings will be copied to the archive media and retained in accordance with the City's Document Retention Schedule, or as otherwise prescribed by law. The archive media shall be labeled with the start and end date, and the time to identify the contents of the media.

801.4 COMMUNICATIONS - TELEPHONE AND RADIO

The the Communications Center shall be responsible for the efficient operation of the telephone system. Department telephones are provided to conduct official business. All requests for new telephones and/or lines shall be submitted in writing from the Division Commander and forwarded to the Police Administrator for approval. Requests for telephone/line changes, repairs or termination of services shall be made in writing from the Division Commander or Lieutenant and forwarded to the Department designated point of contact. The designated point of contact person will submit the request to the Information Technology Department.

801.4.1 CELLULAR TELEPHONES

The the Communications Center is responsible for the purchase, activation, repair and issuance of cellular telephones. This will be done only with the approval of a Division Commander. Employees who are authorized to use a cellular telephone shall make every attempt to use a Department hard line phone if one is available. The provision of a cellular telephone to an employee is for the convenience and efficient operation of the Department. Personal calls, both incoming and outgoing, shall be of necessity, and not as a matter of personal convenience. Departmental approved cell phone types and plans are maintained by the Police Accounting Office. Any change to cell phone plans must be approved by a Division Commander.

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801.4.2 EMPLOYEE CONTACT INFORMATION

The the Communications Center shall be responsible for assembling a computerized database of Department-wide cellular telephone numbers. Each Division is responsible for updating phone lists of their employee's office telephone numbers. The Police Personnel Office is responsible for updating and maintaining the employee's personal telephone number and employee roster. The the Communications Center will provide telephone numbers or pager numbers for other employees in the event of an emergency. All routine requests for phone information shall be directed to a clerical person or an on-duty supervisor at the assigned Division or Bureau. All department employees are responsible for updating changes in their home address and personal telephone numbers with the Police Personnel office and the City's Human Resources and Payroll offices.

801.5 PRIVACY ADVISEMENT

All employees will be required to sign a Privacy Advisement and CLETS Policy Statement at the time of every evaluation.

All telephone calls, radio traffic, computer messages, MDC messages, CAD initiated pages and E-mail are subject to routine monitoring and audit. All telephone calls and radio traffic in and out of the Communications Center are recorded and monitored. All telephone calls in and out of the Telephone Reporting Unit and at the front counter are recorded and monitored. Mobile Data Computer messages are logged and may be printed and/or reviewed at anytime.

All Department and City equipment is for conducting official business of the City of Riverside. Employees operating said equipment for any personal use shall have no expectation of privacy. Personal use of this equipment shall be limited and is subject to approval by supervision. Unrecorded and thus unmonitored telephone lines are available for employee personal use.

All audio recordings, computer printouts and other such documents are the property of the City of Riverside and are subject to review, reproduction, and distribution as deemed necessary and may be done so without the prior knowledge or authorization of the employee or employees involved.

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Property and Evidence

802.1 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.

802.2 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.

802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) All property shall be entered into the property management system describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) The Property Unit may refuse to accept any property or evidence that is improperly processed or packaged. The booking officer will be notified by the Property Unit of the discrepancy in packaging and be provided instructions to correct.

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(c) Print a property barcode label and attach it to each package or envelope in which the property is stored. The original property report shall be submitted with the case report. A copy shall be placed with the property in the property locker.

(d) When the property is too large to be placed in a property locker, the item shall be secured in an outdoor property area. Submit a copy of the property report into a property locker indicating the location of the property.

802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately. Each item (narcotics and/or paraphernalia shall be packaged separately with a separate property barcode label per item.

802.3.3 EXPLOSIVES

Flammables and explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the Property Unit. All explosives and flammables will be picked up by the Technical Services Unit (TSU). TSU stores the hazardous items in the appropriate chemical, corrosive, or flammable secured locker. When notified that a hazardous item is authorized for destruction, TSU separates the item(s) and retains the property until the quantity reaches a level to justify the response of an outside hazardous materials disposal company. TSU notifies the Property Unit supervisor of the need to dispose of hazardous materials. The Property Unit supervisor arranges for a vendor to collect the hazardous materials. TSU and the Property Unit supervisor facilitate the transfer of the hazardous materials from the secured locker to the vendor for disposal. Once the items are surrendered for disposal, TSU sends the hazardous materials manifest to the Property Unit supervisor for Property Unit records. The disposal of the items shall be noted in the property management system.

Officers who encounter flammables or an explosive device shall immediately notify their immediate supervisor and/or Watch Commander. The Technical Services Unit will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Items containing bodily fluids such as blood or semen stains shall be packaged and booked in an outdoor locker to air dry. Submit the completed property report into a property locker indicating the location of the property.

(b) 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 $5,000 for special handling procedures

(c) All currency (US dollars and coin) will be deposited as soon as practical (no more than two weeks after receipt) into the Evidence Trust Account for safekeeping. Officers and/

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or case agents MUST notify the Property Unit immediately if the currency needs to be retained in the Property Unit for evidentiary reasons such as die pack evidence, serial number preservation, etc.

(d) Property/evidence collected under the authority of a search warrant require a subsequent court order containing release instructions. Upon receipt of the court order by the Department, the responsible case agent shall provide disposition instructions to the Property Unit (Penal Code § 1536).

802.3.5 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 Police Property Specialist shall ensure the Records Bureau 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 Bureau Policy).

802.4 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) Contraband

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802.4.1 PACKAGING CONTAINER

Employees shall package all property 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 barcode label shall be securely attached to the outside of all items or group of items packaged together.

802.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, labeled, and placed in a property locker, accompanied by one copy of the property report. 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, dangerous drugs and glass pipes shall be packaged in K-Pak and placed in an envelope of appropriate size. The booking officer shall initial the sealed envelope. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property barcode label shall be attached to the outside of the container.

802.5 RECORDING OF PROPERTY

The Police Property Specialist receiving custody of evidence or property shall scan barcoded labels, which will document the transfer of property in the property management system. The Police Property Specialist processing the item(s) in the property room shall initial and date the property report and enter the storage location into the property management system.

Any changes in the location of property held by the Riverside Police Department shall be noted in the property management system.

802.6 PROPERTY CONTROL

Each time the Police Property Specialist receives property or releases property to another person, he/she shall enter this information in the property management system. Officers desiring property for court shall contact the Police Property Specialist at least one day prior to the court day.

802.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry shall be made in the property management system to maintain the chain of possession. No property or evidence shall be released or disposed of without first receiving written authorization.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Police Property Specialist.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of the Property Unit. The transfer of custody shall be documented in the property management system.

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The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the transferring employee will record the delivery on the lab form. The original lab form will remain with the evidence and the copy will be returned to the Property Unit.

802.6.3 STATUS OF PROPERTY

Temporary release of property to authorized persons for investigative purposes, or for court, shall be documented in the property management system, indicating the date, time and to whom released.

The Police Property Specialist shall obtain the signature of the person to whom property is released. Any employee receiving property shall be responsible for such property until it is returned to the Property Unit or released to another authorized person or entity.

The return of the property shall be recorded in the property management system, indicating date, time, and the person who returned the property.

Narcotics designated for "reverse operations" require a court order and Special Investigations Captain's approval prior to release of narcotics to case agent(s). The release of the narcotics shall be recorded in the property management system, indicating date, time, and the person who received the narcotics.

Currency that is to be released to a case agent and/or another partner law enforcement agency requires the appropriate Investigation's Captain's approval prior to the release of the currency. The release of the currency shall be recorded in the property management system, indicating date, time, and the person who received the currency.

802.6.4 AUTHORITY TO RELEASE PROPERTY

The Property Unit shall not release or dispose of any evidence or property without proper authorization by the assigned case agent, investigation supervisor or designee.

802.6.5 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. The release authorization shall be signed by the authorizing case agent, investigation supervisor or designee and must conform to the items listed on the property report or must specify the specific item(s) to be released. Release of all property shall be documented in the property management system.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of 90 days 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. If such property is not sold at auction or otherwise lawfully

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claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in the property management system.

A Police Property Specialist 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 in the property management system.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property Bureau Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

802.6.6 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)).

802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property Unit supervisor will be responsible for managing the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364. The assigned case agent, investigation supervisor or designee will be responsible for clearing for destruction, all narcotics, dangerous drugs and paraphernalia.

802.6.8 RELEASE OF FIREARM 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, the Police Property Specialist shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

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802.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS
Firearms and other deadly weapons confiscated 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 the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the 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) which 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 weapon is not retained as evidence, the Department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which 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.

802.6.10 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 and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is 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 Riverside Police Department determines him/her 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.

802.7 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.

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The Police Property Specialist 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.

802.7.1 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 § 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(e))

802.7.2 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 the City of Riverside.

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Bureau 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

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(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Investigations Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property Bureau Supervisor, or until the expiration of any imposed sentence that is 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 180 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 supervisor.

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 expiration of the statute of limitations. Even after expiration of an applicable statute of limitations, the Investigations Division supervisor should be consulted and the sexual assault victim should be notified.

802.8 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 narcotics, cash, and firearms 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.

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Records Bureau Procedures

803.1 PURPOSE AND SCOPE

The Records Bureau Manager shall maintain the Department Records Bureau Procedures Manual on a current basis to reflect the procedures being followed within the Records Bureau. Policies and procedures that apply to all employees of this department are contained in this chapter.

803.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Bureau by Records Bureau personnel.

Reports are numbered commencing with the letter "P", the last two digits of the current year followed by a sequential number beginning with 000001 starting at midnight on the first day of January of each year. As an example, incident number PYY-000001 would be the first new case beginning January 1 of a new year.

803.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Bureau accessible only to authorized Records Bureau personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Watch Commander.

Riverside Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

803.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Bureau. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Records Bureau Manager. All original reports removed from the Records Bureau shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Bureau.

803.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested or detained per Penal Code § 849.5 or 851.6 by officers of the Riverside Police Department and no accusatory pleading has been filed, the person arrested or detained may petition the Department to destroy the related records on the basis of factual innocence. Under Penal Code § 851.6, factual innocence means the accused person did not commit the crime (no reasonable cause exists to believe that the arrestee committed the offense for which the arrest was made).

Petitions shall be forwarded to the Records Bureau Manager for a thorough review of the documents relating to the factual innocence petition. If there is supporting documentation that the person is factually innocent, the Records Bureau Manager shall seek the advice of the

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investigative bureau that was assigned the case. After such review and consultation, the Records Bureau Manager shall decide whether a finding of factual innocence is appropriate. Upon a determination that the person arrested is factually innocent, a copy of the petition shall be forwarded to the prosecuting attorney seeking concurrence. All supporting documentation must be sent to the prosecuting attorney.

Upon receipt of written opinion from the prosecuting attorney affirming factual innocence, the Records Bureau Manager shall ensure that the arrest record is sealed for three (3) years from the date of the arrest, and thereafter destroy the arrest records and the petition. The Records Bureau Manager shall notify the Department of Justice, and any law enforcement agency that arrested the petitioner or participated in the arrest of the petitioner for an offense for which the petitioner has been found factually innocent of the sealing of the arrest records. The Records Bureau Manager shall request the destruction of any records of the arrest which they have given to any local, state, or federal agency or to any other person or entity.

The Records Bureau 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.

803.4 REPORT PROCESSING

The Records Bureau is responsible for collecting and disseminating criminal and incident reports to Investigative Bureaus, other law enforcement agencies, and other involved entities as required (California Highway Patrol, Parole and Probation Departments, City Attorney's Office, Traffic Engineering, Public Works, etc.).

803.5 FRONT COUNTER AND NON-EMERGENCY ONLINE REPORTING

The Records Bureau may take non-emergency property crime reports directly from the public at the Front Counters at the major police facilities and through the on-line reporting system. Additional responsibilities include, but are not limited to:

- Releasing copies of incident reports to authorized parties
- Inspection and sign off vehicle correction citations
- Processing the release of vehicles that have been towed/stored by this Department

803.6 LIVE SCAN FINGERPRINT SERVICES

Records Bureau staff provide live scan applicant fingerprinting services and live scan criminal fingerprinting services.

803.7 DATA ENTRY OPERATIONS

The Records Bureau is responsible for entering critical data from case reports into the Records Management System (RMS). The data in the system is used throughout the Department for

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investigative purposes. The data also generated the state-mandated monthly Uniform Crime Reports which are submitted to the Department of Justice.

803.8 PERMITS

The Records Bureau processes applications, coordinates with various divisions in the Department for review and final approval, and maintains the permit files for all permits that have been identified in the Riverside Municipal Codes requiring Police Department oversight. Examples of permits include: Carry Concealed Weapon Permits, Taxi Driver Permits, and Massage Establishment Permits. Requirements of each type of permit are detailed in the Records Bureau Standard Operating Procedures.

803.9 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Records Bureau 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 Detention Certificate (PD-Form No. 029 (3-17)) and the original Detention Certificate is submitted to the Records Bureau with the case report.

(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.

(c) The Bureau of Criminal Identification and Investigation of the Department of Justice is notified.

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Restoration of Firearm Serial Numbers

804.1 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.

804.2 PROCEDURE

Any firearm coming into the possession of the Riverside Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

804.2.1 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.

804.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property report that serial numbers have been removed or obliterated.

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804.2.3 OFFICER RESPONSIBILITY
The Police Property Specialist will notify the Evidence Unit when a firearm and Evidence Unit ID request has been received in a property locker. The Evidence Unit will maintain chain of custody of the firearm and transport it to the crime lab for restoration.

804.2.4 DOCUMENTATION
The chain of custody shall be documented in the Property Management System. The initial examination and handling of evidence from the time it is received/collected until it is released shall be documented in an Incident Report.

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.

804.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the assigned detective will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system for all criminal cases. For firearms that have serial numbers restored and are held as found property, a Police Property Sepcialist will submit the appropriate forms accordingly.

804.3 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.

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Records Maintenance and Release

805.1 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.

805.2 POLICY

The Riverside Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

805.3 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 division 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.

(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 § 6253).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 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.

(i) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department’s website.

805.4 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.

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805.4.1 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 § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(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 § 6254.30).

(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 § 6253.1).

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 § 6253.9).

(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.

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.

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(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 (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

805.5 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 § 6254.29).

(c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; 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 to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, 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, or both, 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

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face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(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 § 6254).

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 § 6254(f).

(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, 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 § 6254).

(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 § 6254).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

(n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).

(o) A record of a civilian 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)(8)).

(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

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law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

(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 § 831).

805.6 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.

805.7 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.

805.8 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 Bureau 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.

805.9 SECURITY BREACHES

The Records Bureau Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or

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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:

- Social Security number
- Driver license number or California identification card number
- 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
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology

805.9.1 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 Riverside 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 Riverside 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).

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(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 Riverside 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.

805.9.2 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 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.

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Protected Information

806.1 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 Riverside 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.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Riverside 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.

806.2 POLICY

Members of the Riverside 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.

806.3 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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806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Riverside 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.

806.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

806.5 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 Bureau 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 Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

806.5.1 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).

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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).

806.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

806.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

806.7 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.

806.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in all secure Bureaus throughout the Riverside Police Department. Security in these areas should be monitored 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.

806.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

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Each employee shall be responsible for destroying the CORI documents they receive.

806.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Bureau Manager, unless otherwise directed by the Support Services Division Commander, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Support Services 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 Support Services Division 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.

806.8 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).

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Computers and Digital Evidence

807.1 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.

807.2 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.
5. Ask, or look for log-on passwords for the computer, files, or programs.

(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.

807.2.1 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.

807.2.2 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.

807.3 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 Forensic Computer Examiner 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) Package media in a manner that will protect it from damage.

807.4 SEIZING CELLULAR PHONES / SMART DEVICES

Personal communication devices such as cell phones, PDAs, tablets, 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. The following guidelines should be observed when booking electronic devices that are believed to contain evidence of a crime:

(a) Once the decision is made to collect the device as evidence, 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) If the device is off, leave it off. If the device is on, consider turning it off to prevent loss of data from the battery going dead. If the phone can easily be placed in "airplane mode," and Wi-fi and Bluetooth disabled, officers should do so. The device should be stored in a container which will prevent the device from being remotely wiped and prevent it from sending or receiving information from its host network. Faraday bags are designed to prevent the device from receiving information and are available from the Computer Forensics Unit and the Forensics Evidence Unit. If circumstances prevent the utilization of a faraday bag, insulate the device, then wrap it in 3 layers of aluminum foil before packaging it. This method has shown to be effective in preventing the device from receiving information. Officers should document in their reports all actions taken to preserve the evidence on the device.

(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.

(d) Ask for passwords or swipe patterns to unlock the device, if necessary.

807.5 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.

807.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded, it shall not be altered in any way prior to submission. Video and audio files will not be altered in any way.

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807.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media captured by department cameras or other recorders:

(a) Digital audio and COBAN video files recorded on department-issued devices shall be maintained in accordance with the Video and Audio Recording Policy.

(b) Digital photographs taken with department-issued devices shall be uploaded into the department DIMS (digital image management system) server by the end of the employee's shift unless otherwise approved by the employee's supervisor.

(c) In the event of a malfunction with the department DIMS equipment, the employee shall preserve the images on the camera or other device and notify his/her supervisor and the evidence unit supervisor.

(d) Digital evidence recorded by officers or other employees which cannot be uploaded onto a department server shall be transferred to recordable media and booked into evidence in accordance with this policy.

807.5.3 PRESERVATION OF DIGITAL EVIDENCE

(a) 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.

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Chapter 9 - Custody

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Custodial Searches

900.1 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 Riverside 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.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her 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 or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her 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 his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 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.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her 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.

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900.4 STRIP SEARCHES

No individual in temporary custody at any Riverside 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.

(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).

900.4.1 STRIP SEARCH PROCEDURES

Strip searches at Riverside 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:

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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.
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 his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies 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 his/her 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.

900.4.2 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

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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.

900.5 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 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).

(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

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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.

900.6 TRAINING

The Training Bureau Manager 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.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 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 Riverside Police Department and that are promulgated and maintained by the Personnel Bureau.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Riverside 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, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Support Services 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 Support Services 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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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility verification, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1.

(e) Information obtained from public Internet sites

(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)

(j) Review board or selection committee assessment

1000.4.1 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).

1000.5 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 Riverside 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).

1000.5.1 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).

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1000.5.2 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).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Support Services Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Support Services 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 Support Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 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 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 shall be included in the candidate's background investigation file (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.5.6 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 Riverside Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.6 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:

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- 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.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 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 to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Bureau should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions

(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship

(c) At least 18 years of age

(d) Fingerprinted for local, state and national fingerprint check

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

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(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 which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) 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)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7.2 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)

(b) An oral communication assessment (11 CCR 1958)

(c) A medical evaluation (11 CCR 1960)

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Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. Supervisors who have supervised an employee for five (5) or more months of an employee's rating period shall provide written input on a draft evaluation form to the employee's current 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 civilian supervisory personnel shall be sent to a POST 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 rating criteria with each employee at the beginning of the rating period. When a non-probationary employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, but at least 90 days prior to the end of the annual evaluation period, advise the employee in writing in order to provide an opportunity for the employee to improve performance. The involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, if desired. Failure to meet established performance standards is justification for an unsatisfactory rating. Rating factors that are not observed are assumed to be performed at a standard level.

1001.3 FULL TIME PROBATIONARY PERSONNEL

Public Safety Dispatchers are on probation for 18 months. All other civilian personnel are on probation for twelve months before being eligible for certification as permanent employees. An evaluation is completed for all full-time civilian personnel during the probationary period at three, six, and twelve months. Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary officers and dispatchers are evaluated at three, six, twelve, and eighteen months during the probationary period.

1001.4 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to two types of performance evaluations:

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Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor.

In the case of employees who have been hired or promoted and placed at Step 2 or above, the Employee Performance Evaluation shall be completed on the anniversary of the employee's date of hire or last promotion.

If hired or promoted and placed at Step 1, the annual Employee Performance Evaluation will fall on the anniversary of the first 6 month evaluation following hire or last promotion.

Interim- An interim 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 interim evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1001.4.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place an (X) 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.

Below Standards - 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.

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.

1001.5 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

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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.

1001.6 EVALUATION REVIEW

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.

1001.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the Personnel Bureau for the tenure of the employee's employment.

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Grievance Procedure

1002.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1002.1.1 GRIEVANCE DEFINED

A grievance is an allegation by an employee that the employee has been adversely affected by a violation, misinterpretation, or misapplication of the specific written provisions of a Memorandum of Understanding, the City's salary and fringe benefit resolutions, or the City's written personnel policies and procedures.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity 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 Personnel Complaints policy.

1002.2 GRIEVANCE PROCEDURE

As a general policy, it is encouraged that all grievances be resolved at the lowest level possible. Attempts shall be made, between the grievant and supervisor in the chain of command up to and including the division head, to adjust all grievances on an informal basis. Presentation of this grievance shall be made within ten (10) working days from the date the grievant knew or should have known of the act or occurrence giving rise to the grievance.

If the grievance is not adjusted to the satisfaction of the grievant within five (5) working days after presentation of the grievance to the division head, the grievant may within the next ten (10) working days, submit in writing to the department head a clear, concise statement of the grievance, the specific provisions, resolution, section and/or written policies allegedly violated and the specific remedies sought.

For specific timelines and requirements refer to the appropriate links below:

Police - Article 16: http://intranet/Sites/hr/Shared%20Documents/RPOA%20Police.pdf#search=RPOA%20MOU

SEIU - Article 21: http://intranet/Sites/hr/Shared%20Documents/SEIU_MOU.PDF

All Others - Article III: http://intranet/Sites/hr/Shared%20Documents/Resolution-15079.pdf

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1002.3 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Support Services Division for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by Human Resources to monitor the grievance process. These records will be purged after two years pursuant to the City's record retention schedule.

1002.4 GRIEVANCE AUDITS

The Support Services Commander 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 Support Services Commander 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 Support Services Commander should promptly notify the Chief of Police.

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Convictions/Arrests, Driver License Status Change, and Domestic Violence Restraining Order

1003.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees of this department shall promptly notify the on-duty Watch Commander, and or their immediate supervisor of any arrest, upon conviction for a criminal violation, any changes to the status of their California Driving License, and for sworn employees when they are the subject of a Domestic Violence Restraining Order.

The Support Services Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR § 1003).

The Support Services Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR § 1003).

1003.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1003.3 OTHER CRIMINAL CONVICTIONS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job. Employees of this Department are required to promptly notify their immediate supervisor of any status change to their California Driver's License.

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Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1003.4 REPORTING PROCEDURE

All employees of this department and all retired officers with a CCW endorsement shall promptly notify the Watch Commander, and or their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All sworn employees and all retired officers with a CCW endorsement shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the employee becomes the subject of a domestic violence restraining order or similar court order issued by a court of competent jurisdiction, or incurs any change in status to their Driver's License, or becomes the subject of an outstanding warrant.

Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1003.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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Drug- and Alcohol-Free Workplace

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1004.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1004.3 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. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1004.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1004.4 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.

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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).

1004.5 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 Bureau, 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.

1004.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1004.7 REQUIRING SCREENING TESTS

The supervisor may require, with the concurrence of the Chief of Police or designee, an employee to submit to a screening test under the following circumstance:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

1004.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request 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.

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1004.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1004.8 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 requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1004.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. 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 pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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Alcohol and Drug Testing

1005.1 POLICY

1005.1.1 CONSUMPTION OF DRUGS OR ALCOHOL

Unless expressly authorized by the Chief of Police, or designee, the consumption of alcohol is prohibited:

(a) During a work-shift (including breaks and/or meals),

(b) During an overtime assignment,

(c) While on call,

(d) Within the four (4) hour period preceding a scheduled work shift or scheduled on call shift,

(e) Within the four (4) hour period preceding and while driving a City vehicle, and

(f) Within the four (4) hour period preceding and while driving a rental (while authorized for reimbursement by the City) and or privately owned vehicle (authorized for mileage reimbursement) which the employee has been authorized to use for City business.

The Chief of Police, or designee, may authorize a police employee to consume alcohol while on duty when deemed necessary to perform an official police assignment. However, even when authorized to consume alcohol while on duty, an employee shall not drive a City vehicle if the employee's ability to drive is impaired. The use of illegal drugs or the intentional misuse of lawfully obtained prescription or non-prescription medication is prohibited at any time. An employee who is using prescription or non-prescription medication or substances having side effects that may hinder or impair safe driving shall not drive a City vehicle, or a rental or privately owned vehicle that the employee has been authorized to use for City business.

1005.1.2 OBTAINING SAMPLES

This policy will establish the procedures for obtaining blood or urine from an employee whenever:

(a) It is voluntarily provided pursuant to a separate policy or procedure within this manual, or;

(b) It is administratively ordered pursuant to a separate policy or procedure within this manual, or;

(c) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are imparining his/her ability to perform duties safely and efficiently

1005.2 SAMPLE REQUIRED

The employee will be required to provide up to two (2) samples of his or her blood or urine when there is reasonable suspicion that the employee presently is abusing drugs or alcohol. In that circumstance the employee shall provide both blood and urine samples.

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1005.3 REFUSAL

If the employee refuses to provide the required sample, and probable cause exists to seize the samples for criminal evidence, the employee will be administratively ordered to provide up to two (2) samples of his or her blood and/or urine. The sample may then only be utilized in an administrative action.

1005.4 DISCIPLINARY ACTIONS

The Department may take disciplinary action up to and including termination against any employee who:

(a) refuses to be tested when so required;

(b) attempts to adulterate or substitute any sample, or interferes with the required accurate testing of any sample;

(c) fails to provide a sample within a reasonable period of time, usually not more than three hours;

(d) refuses to provide the samples in the manner specified by the sample collection procedure;

(e) tests positive for drugs in an amount that meets or exceeds the cutoff or therapeutic level;

(f) tests positive for alcohol in an amount that meets or exceeds the cutoff level;

(g) tests positive for any combination of drugs and/or alcohol in an amount that, based on competent medical evidence, would impair performance;

(h) refuses to cooperate with the Medical Release Officer (MRO).

1005.5 TYPE OF CONTROLLED SUBSTANCES

The Department will test for alcohol and/or for any controlled substances or classes of controlled substances as follows:

(a) Amphetamine/Methamphetamine

(b) Barbiturates

(c) Benzodiazepines

(d) Cocaine

(e) Ethanol

(f) Hallucinogenics

(g) Methadone

(h) Opiates

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(i) Phencyclidine

(j) THC (Marijuana)

(k) Or any other controlled substance listed on the State of California schedule of controlled substances. The determination as to the minimum screening and confirmation cut-off levels of these other controlled substances shall be made by the authorized laboratory.

1005.6 EXCEPTIONS

Use of medically prescribed drugs pursuant to a prescription for the employee by a competent, licensed physician, dentist or psychiatrist and not exceeding the therapeutic value, or any nonprescribed medication used in accordance with the manufacturer's discretion will not be a violation of policy. The therapeutic value of any prescribed drug or non-prescribed medication will be determined by the City's designated Medical Release Officer (MRO) who shall report the findings as required.

1005.7 MEDICAL RELEASE OFFICER DEFINED

The Medical Release Officer (MRO) is a licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate the employee's positive test result together with the employee's medical history and any other biomedical information.

1005.8 SAMPLE COLLECTION

(a) Blood will be drawn in a place and manner consistent with accepted medical practices unless the employee, for privacy issues, requests that the sample be withdrawn in privacy. In that case, only the requesting officer or supervisor, employee's representative and the phlebotomist will be present. The collection procedure shall ensure that the sample is taken in a secure, sterile manner and sealed with a tamper resistant seal in the presence of the employee.

(b) Urine will be collected as follows:

1. Because there must be rigorous controls for privacy, security and chain-ofevidence purposes, choosing the most appropriate restroom is crucial.

2. The restroom selected as the collection site shall be equipped with a sink to permit the employee to wash his or her hands, a toilet and a stall for privacy. The requesting officer or supervisor may place a bluing agent in the toilet bowl prior to the collection process.

3. The employee will wash his or her hands prior to the sample collection and will be provided with a pair of disposable latex or similar gloves for use during the

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collection. Washing hands and wearing gloves is required when providing the sample.

4. During the urine collection process, no unauthorized personnel shall be permitted in the restroom. The only authorized personnel is the subject employee, the requesting officer or supervisor who shall be the same sex, and the employee's representative, if requested.

5. The employee shall be required to provide a urine specimen in a large, wide mouthed, easily carried, non-reusable plastic cup, unobserved and in the privacy of a stall or otherwise partitioned area. The cup should be a standard laboratory type with an appropriate area for attachment of evidence tape and specifically provided by the Department for the purpose of substance testing.

6. Any behavior which raises suspicion that the employee has adulterated the sample may require that the employee retest in the presence of, and be observed by, the requesting officer or supervisor.

7. It will be the responsibility of the laboratory to split the sample if it is requested by either the Department or employee. The employee may provide two samples for testing if so desired.

8. A minimum of 30 milliliters (one fluid ounce) must be provided or the sample will be considered incomplete.

9. If the sample is insufficient, additional urine will be collected. In this instance, the employee shall remain in the presence of and under the supervision of the requesting officer or supervisor. The employee shall be asked to drink a reasonable amount of fluids to aid in urination and shall be allowed a reasonable amount of time to furnish additional urine. When the additional sample is provided, the bottle shall be labeled and submitted with the original sample bottle.

10. If the employee cannot provide a complete sample(30 milliliters or more) within the three (3) hour period, or at any subsequent collection, as applicable, then the requesting officer or supervisor shall notify the MRO immediately of the situation. The MRO shall refer the employee for a medical evaluation to determine whether the employee's inability to provide a sample is genuine or constitutes a refusal. The MRO shall report his or her findings in writing to the Office of Internal Affairs.

11. Immediately after collection, the requesting officer or supervisor shall ensure that the urine temperature is warm. If cold, there would be reason to believe the urine has been adulterated since urine expelled from the human body will remain warm for this period of time.

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12. The requesting officer or supervisor shall inspect the samples for signs of adulteration. Any signs of adulteration may require that the employee retest in the presence of, and be observed by, the requesting officer or supervisor.
13. In the presence of the requesting officer or supervisor, the employee shall secure the sample bottle lids and seal them with self-sealing, tamper resistant tape.
14. The requesting officer or supervisor shall complete the chain-of-custody forms/ envelopes for the samples.
15. The samples will be secured in a manner consistent with accepted practices for laboratory pick-up, immediately provided to the phlebotomist or laboratory technician, or secured in a locked office for hand delivery to the laboratory personnel. Proper chain of custody techniques will be used through out the process.

1005.9 LABORATORY ANALYSIS

(a) The initial screening of all collected samples will generally be conducted within fortyeight (48) hours of receipt by the Department-designated laboratory.

(b) The designated laboratory shall:

1. Meet or exceed all analytical, quality assurance and quality control standards which are professionally accepted by laboratories which perform forensic drug or alcohol testing, and;
2. Participate in accreditation or certification programs conducted by a recognized professional group such as the National Institute of Drug Abuse (NIDA) or the American Society of Crime Laboratory directors/Laboratory Accreditation Board (ASCLD/LAB), or;
3. Be licensed by the State of California Department of Health Services as a clinical laboratory, forensic laboratory for forensic alcohol analysis or to an equivalent standard if located in another state, and be licensed by the Department of Health and Human Services under the Clinical Laboratory Improvement Act (CLIA).

(c) The chain of custody from the Department to the laboratory analysis consists of external and internal controls. The external control consists of the preprinted, sealed and completed envelope containing the sample. The envelope transports the sample to the laboratory where it is logged in for screening. Envelopes for this purpose shall be provided by the laboratory to the Department.

(d) The internal control at the laboratory and the laboratory receipt certification includes examination that the seal is intact and other examination for tampering.

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(e) Following accessing the laboratory's computer system, the samples are grouped first for immunoassay (IA) screening into a batch with a set of qualitative standards and quality controls.

(f) All initial screening are conducted using a highly sensitive testing methodology based primarily upon a clinically approved immunoassay (IA) technique.

1005.10 ANALYSIS AND DISQUALIFYING LEVELS

The drug screening chemical analysis includes detection and screening cutoff levels for the following substances:

Drug Class Screening Cutoff Level for Urine / Blood

- Amphetamines 100 / 100
- Barbiturates 100 / 100
- Opiates 10 / 10
- Benzodiazepines 100 / 100
- Cocaine 300 / 300
- Phencyclidine 10 / 10
- Cannabinoids 30 / 30
- Volatiles (Alcohol) 0.01% / 0.01%

All findings are reported in nanograms per milliliter (ng/ml) with the exception of alcohol, which is reported as a percentage of grams per decaliter.

1005.11 CONFIRMATION TESTING

(a) If the sample tests positive for any of the above listed drug classes, the laboratory will immediately conduct further testing using an entirely different methodology on the same sample. This confirmation testing involves the process of gas chromatography/ mass spectrophotometry (GC/MS), a highly sophisticated testing method accepted by the courts.

(b) If the tests result in one positive and one negative result, the overall test is considered negative. If both the IA and GC/MS tests are positive, the overall test is considered positive. The positive test samples will be retained frozen pending appeal or retesting.

(c) Confirmation testing will be done individually for each drug within the classes listed above, with the following cutoff levels: (GC/MS) in ng/ml (blood/urine)

1. Amphetamines:

    (a) Amphetamine/Methamphetamine 50

2. Barbiturates:

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(a) Amobarbital, Butabarbital, Butalbital, Pentobarbital, Phenobarbital, Secobarbital 10

3. Opiates:

(a) Codeine, Morphine 1

4. Benzodiazepines: 1

5. Cocaine: 5

(a) Benzolyecgonine 10

6. Phencyclidine: 1

7. Cannabinoids:

(a) THC-COOH (THCA) 5

(b) 9THC 0.5 (blood)

8. Volitiles (Alcohol):

(a) Ethanol* 0.005%

(b) * It is understood that each time a sample containing alcohol is exposed to the air, an approximate .01% decrease in the alcohol/ethanol level will occur due to dissipation; therefore, an original reading of .08% will read .07% upon confirmation. Should an appeal be filed or the sample tested a third time, the alcohol/ethanol level will confirm a positive result at a reading of .06%.

(c) In all cases where the second test confirms the presence of a drug(s) or alcohol in the sample, the sample will be retained by the laboratory in a locked freezer to allow for further testing upon dispute or appeal. The sample will be retained until the final appeal has been concluded.

(d) Following analysis, a peer toxicologist and/or administrative personnel reviews the external and internal chain of custodies and controls, the scientific results and certifies the report before it is report to the Department.

1005.12 NOTIFICATION OF RESULTS

(a) Distribution of tests results will be as follows:

1. All positive alcohol and/or drug test results will be forwarded to and reviewed by the MRO before they are reported to the Office of Internal Affairs.

2. With all positive alcohol and/or test results, the MRO shall contact the employee to determine if there is a legitimate explanation for the positive test result. The employee shall provide the MRO with the necessary documentation or

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explanation within five (5) working days. At a minimum, the explanation shall include the type of prescribed or non-prescribed medication, prescribed dosage, name and telephone number of the prescribing physician and last date and time of use.

3. If the employee refuses to cooperate with any request by the MRO, the MRO shall notify the Office of Internal Affairs. In addition, the MRO will report the positive test results without comment to the Office of Internal Affairs.

4. Negative test results from either a voluntary or compelled sample will be sent to the Office of Internal Affairs. Positive test results from either a voluntary or compelled sample determined by the MRO to be without a legitimate explanation will be sent to the Office of Internal Affairs.

5. The Office of Internal Affairs will notify the General Investigations Bureau Commander of the results of a voluntary sample in a criminal investigation. If the results are negative, the General Investigations Bureau Commander will notify the employee in writing as soon as possible.

6. The Office of Internal Affairs will notify the employee's Division Commander whenever a positive test is received.

7. The Division Commander shall notify the employee in writing as soon as possible and determine whether the employee should be placed on paid administrative leave or be referred to the City's employee assistance program.

8. The Division Commander will initiate the appropriate criminal and/or internal investigation and disciplinary process in accordance with the Conduct & Performance Manual.

(b) Determination of Test Results:

1. If the tests indicate the presence of a drug which has been prescribed by a licensed physician, dentist or psychiatrist in good standing and the level is within the therapeutic range for the underlying affliction or condition, and it is determined by the MRO that there was a legitimate medical reason for the use of the drug at the time of the test, the MRO shall report the result as negative to the Office of Internal Affairs without disclosure of the underlying affliction or condition.

2. If the tests indicate the presence of a non-prescribed medication which is available over the counter, and the level is within the manufacturer's recommended dosage, and it is determined by the MRO that there was a legitimate medical reason for the use of the medication at the time of the test, the MRO shall report the result as negative to the Office of Internal Affairs without disclosure of the underlying affliction or condition.

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3. If the tests indicate the presence of alcohol in an amount consistent with medicinal use as recommended by the manufacturer, and it is determined by the MRO that there was a legitimate reason for the use of the alcohol at the time of the test, the MRO shall report the result as negative to the Office of Internal Affairs.
4. If the tests indicate the presence of any drug determined by the MRO to be the result of legitimate ingestion of natural food products, and it is determined by the MRO that there was a legitimate reason for the use of the food product at the time of the test, the MRO shall report the result as negative to the Office of Internal Affairs.
5. If the tests indicate the presence of any controlled substance and it is determined by the MRO that there was a legitimate and verifiable exposure to the substance in the course of the employee's official duties, the MRO shall report the result as negative to the Office of Internal Affairs.
6. The MRO, however, shall report the following as a positive test:
   (a) The employee tests positive for a controlled substance or alcohol for which there is no therapeutic value;
   (b) The employee tests positive for a prescribed drug above the therapeutic value;
   (c) The employee tests positive for a non-prescribed drug above a reasonable value;
   (d) The employee tests positive for a combination of drugs and/or alcohol which although below the therapeutic value would impair performance;
   (e) The employee tests indicate the presence of any additive, adulteration or cleansing agent.

1005.13 APPEALS

(a) Any positive result may be appealed by the employee as follows:

1. The employee must file a written request for retesting the sample (and/or comparison testing of the split sample or second sample) in dispute to his or her Division Commander within 15 working days of the positive test notification or prior to any disciplinary hearing (Skelly), whichever comes first.
2. The retest order must be accomplished within five (5) working days after the notice of appeal has been approved.
3. The employee and his or her representative or attorney must coordinate the retest through the laboratory at the employee's expense. If the employee wants

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the test to be conducted by another laboratory, that laboratory shall meet the same standards as described in 9. B. In that case, a strict chain of custody procedure shall be agreed upon by both the Department and the employee. In addition, the laboratory shall provide simultaneous notification of the results to the employee and Division Commander authorizing the retest.

4. If the results of the retest are negative, the original sample will be considered negative. If the results are positive, there will be no further appeal as to retesting.

1005.14 CONFIDENTIALITY

(a) Laboratory reports and/or test results will not be placed into the employee's permanent Department personnel file unless the results lead to the imposition of disciplinary action. Laboratory reports and/or test results will otherwise be maintained in the Office of Internal Affairs and subject to destruction in accordance with the Department's policy of purging peace officer's files.

(b) Only those supervisory or management personnel who have a valid "need-to-know" will receive alcohol/drug test results. The results of individual tests shall not be released to anyone other than those who have a "need to know" without express written authorization of the tested employee, unless ordered by means of proper legal procedures and appropriate legal authority, or in connection with a disciplinary proceeding. Only the Chief of Police, Deputy Chief of Police or Personnel Services Division Commander may authorize the release of drug or alcohol test results for matters other than criminal investigations.

(c) Test results received pursuant to a criminal investigation will be maintained with the investigative report.

1005.15 SUPERIOR EMPLOYEE

The rank of Chief or Deputy Chief may be substituted for Division Commander wherever necessary within this policy dependent upon the rank of the involved employee.

1005.16 TECHNOLOGICAL ADVANCES / CHANGES IN TESTING OR FILING LEVELS

The Department will review and negotiate changes with all affected bargaining units as advances are made in drug and/or alcohol testing procedures as well as any changes in the laboratory performing the testing or the criminal filing levels as determined by the Riverside County District Attorney's Office.

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Sick Leave

1006.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. Accrual rates are detailed in the City's Fringe Benefit and Salary Plan and the applicable collective bargaining agreements. Leave balances are reported each pay period on employee check stubs and the Employee Online system.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) , the California Family Rights Act or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 1510). See the Human Resources Policy and Procedure Manual, section II-87 regarding miscellaneous leaves; section V-4 regarding Family, Medical, Military Caregiver and/or Pregnancy Disability Leave; section V-5 regarding Leave of Absence (Military) and section V-6 regarding Leave of Absence Without Pay (General).

1006.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, nor should the employee participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

1006.2.1 NOTIFICATION

Employees are encouraged to notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor or Watch Commander.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1006.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact the Personnel Bureau Supervisor weekly to provide an update on their absence and expected date of return. Employees absent

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from duty due to personal illness in excess of three consecutive days shall submit a statement from their health care provider supporting the use of sick leave and/or the ability to return to work. Employees should provide the physician's statement to their supervisor upon their first day back to work. Failure to provide the medical certificate before the end of the pay period will result in the employee's time off being carried as Absent Without Pay (AWOP).

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

1006.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee’s performance evaluation when it has negatively affected the employee’s performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program (EAP).

A supervisor may also issue a suspected sick-leave abuse “warning” memo or a Division Commander or higher may issue a written directive requiring an employee to provide medical certification for non-statutorily protected sick-leave usage for a defined period of time (generally in 90 day increments). A verbal or written warning is not required before a Division Commander or higher issues the written directive.

Following the defined period, the Division Commander shall issue a memo removing the employee from the written directive (medical certification requirement), if the pattern of abuse has ceased. In the event the pattern has continued, the Division Commander shall either issue an extension for a defined period and/or initiate disciplinary proceedings if warranted.

See attachment: Sick Leave Memo 1 - Warning.pdf

See attachment: Sick Leave Memo 2 - Medical Certificate.pdf

See attachment: Sick Leave Memo 3(a) - Medical Certificate (Continuation).pdf

See attachment: Sick Leave Memo 3(b) - Medical Certificate (Removal).pdf

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Communicable Diseases

1007.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1007.1.1 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 Riverside Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1007.2 POLICY

The Riverside 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.

1007.3 EXPOSURE CONTROL OFFICER

The Chief of Police has designated the Personnel Sergeant as the Exposure Control Officer (ECO). The ECO shall work with the City Safety Officer and 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).

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2. Bloodborne pathogen mandates (8 CCR 5193):
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 City Safety 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 (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).

1007.4 EXPOSURE PREVENTION AND MITIGATION

1007.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with 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.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

   1. 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.

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(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.

1007.4.2 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).

1007.5 POST EXPOSURE

1007.5.1 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.

1007.5.2 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 exposure

(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).

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1007.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an 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.

1007.5.4 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).

1007.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an 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 a 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 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.

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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 an exposure to undergo testing if he/she refuses.

1007.6 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 an exposure are to be kept confidential as well.

1007.7 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 an 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 an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1008.1 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 Riverside 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.

1008.2 POLICY

The Riverside 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).

1008.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Riverside 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.

1008.4 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.).

1008.4.1 NOTICE

The City Human Resources Department should ensure that proper signage is posted at each entrance to the Department facilities (Labor Code § 6404.5).

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Personnel Complaints

1009.1 INTRODUCTION

In a free society, for the police to effectively provide public safety and protect the rights of all persons, it is imperative that the community trust the police employees who work for them. An essential part of building such trust is to readily accept and thoroughly investigate community complaints. In the City of Riverside, the City Charter has incorporated the institution of the Community Police Review Commission (CPRC). This body, which consists of community members who are appointed by our elected officials, independently reviews all public complaints against sworn members of the Department, and they issue recommended findings on each allegation, independent of the Department's findings. The CPRC has the additional duties of reviewing all officer-involved deaths. They also make recommendations regarding Department policies. The Riverside Police Department is committed to working with the CPRC in an open and transparent way and thereby to earn the trust of the community we serve.

1009.2 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation,disposition, and referral of complaints and inquires to the CPRC regarding the conduct of members and employees of this Department.

1009.2.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any Department employee that, if true, would constitute a violation of Department policy or federal, state, or local law. Complaints that originate from a member of the public are known as External Complaints. Complaints that originate from another Department employee or from another government agency are Internal 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)).

A matter in which the complaining party requests further investigation or in which a Department supervisor determines that further action is warranted will be documented as a personnel complaint. Complaints may be investigated by a Department supervisor of rank greater than the accused employee or referred to the Internal Affairs Bureau, depending on the seriousness and complexity of the investigation.

1009.3 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1009.3.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobbies of the Orange, Magnolia, and Lincoln police stations. Forms may also be available at other government

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facilities, such as the office of the Community Police Review Commission (CPRC) at City Hall. Personnel complaints may also be made online directly to the Police Department or CPRC.

1009.3.2 SOURCE OF COMPLAINTS

(a) A supervisor may receive a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(b) Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

1009.3.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

(a) When the complainant is intoxicated to the point where their credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a personnel complaint form.

(b) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

(c) Non-supervisory employees shall immediately refer complaints to an on-duty supervisor. Whenever possible, civilian supervisors shall refer complaints against sworn personnel to an on-duty sworn supervisor.

(d) If an external complaint is taken by phone or online, the complainant shall be advised that they will receive a copy of the complaint in the mail. The routing procedure will stay the same.

1009.4 COMPLAINT DOCUMENTATION AND ROUTING

Complaints of alleged misconduct shall be documented by a supervisor on a Complaint Control Form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. Only one subject employee and the allegations against that employee shall be listed on a Complaint Control Form. If there are multiple employees involved, the same case number shall be used on multiple Complaint Control Forms arising out the same incident. In cases where there are multiple Complaint Control Forms from the same incident, redundant information need not be repeated on each of them.

When a Complaint Control Form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, a recorded statement shall be obtained from the reporting party and any other witnesses that may be present. A refusal by a party to be recorded shall not alone be grounds to

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refuse to accept a complaint. Whether the complaint is handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement if possible. The complainant should be provided with a copy of his/her own original complaint per Penal Code §832.7.

Complaints will be issued case numbers by the Internal Affairs Bureau based on the following conventions:

* PC Indicates External Complaint or Inquiry
* PA Indicates Internal Complaint/Investigation
* 17 Year (First two numerical digits, e.g. 17)
* 001 Report File Number (last three numerical digits, e.g. “001”

Internal Affairs shall log all complaints by the assigned number and complainant’s name and track them. For all external complaints, Internal Affairs shall forward copies of the Complaint Control Forms to the Manager of the Community Police Review Commission in a timely manner.

Internal Affairs shall retain the original copy of the Complaint Control Form for tracking purposes. Two copies of the Complaint Control Form will be forwarded to the Division Commander of the command assigned to investigate the complaint. One copy shall be a working copy to be used by the investigating supervisor. The second copy is to be given to the subject employee, except in cases of internal complaints or when such notification would compromise the investigation.

Upon receipt of the Complaint Control Form, Internal Affairs will notify the external complainant, in writing, that the complaint has been received and that an investigation has been initiated. A copy of the Complaint Control Form will also be included, as well as a stamped self-addressed envelope for the complainant to return additional information, if needed. Completed complaint investigations shall be forwarded through the chain of command to Internal Affairs.

1009.5 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Watch Commander, Commanding Officer and Chief of Police are notified as soon as practicable.

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(b) A supervisor receiving or initiating any formal complaint shall ensure that a Complaint Control Form has been completed as fully as possible. The original complaint form will then be directed to the Internal Affairs Bureau, which will take appropriate action or forward the complaint to the Commanding Officer of the accused employee. An electronic copy of the form should also be forwarded to Internal Affairs staff immediately. If an external complaint is submitted in person by the complaining party, the blue copy of the Complaint Control Form should be given to the complainant, if present. In the case of an internal complaint, all copies of the Complaint Control Form should be forwarded to Internal Affairs.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses, and telephone numbers of additional witnesses.
2. Once immediate medical attention has been provided, photographs of alleged injuries, as well as accessible areas of non-injury, should be taken.
3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at
issue, a supervisor shall orally report the matter to the employee's Division Commander or the Chief of Police, who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq., and any applicable MOU.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Personnel Bureau and the Chief of Police for direction regarding their role in investigating and/or addressing the complaint.

(e) Supervisors and managers are expected to mediate conflicts between the employees they supervise. When a supervisor determines that a personnel complaint filed by one employee against another is the result of a personal disagreement or a dispute regarding the interpretation of a Department rule, rather than a violation of law or policy, the supervisor shall notify the Division Commander and attempt to resolve the conflict outside the complaint process.

1009.6 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may assign the accused employee to inactive duty, pending completion of the investigation or the filing of administrative charges.

1009.6.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) An employee placed on administrative leave shall continue to receive regular pay and benefits, pending the imposition of any discipline.

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(b) An employee placed on administrative leave may be required to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment.

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.

(e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Chief of Police.

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his or her regularly assigned shift with all badges, identification card, and other equipment returned.

1009.7 ALLEGATIONS OF CRIMINAL CONDUCT

Upon becoming aware of alleged misconduct that may reasonably be anticipated to result in criminal prosecution or discipline, a Department employee shall immediately notify a supervisor.

When 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. Furthermore, no information or evidence administratively coerced from an employee may be provided to a criminal detective (Government Code §3303(e)).

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.

1009.8 INTERVIEW OF ACCUSED EMPLOYEES

Whether the investigation is conducted by a supervisor or by an assigned member of the Internal Affairs Bureau, the following procedures shall be followed with regard to the accused employee(s):

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(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) Interviews of accused employees shall be conducted during reasonable hours, and if the employee is off duty, the employee shall be compensated (Government Code § 3303(a)).

(c) No more than two interviewers may ask questions of an accused employee (Government Code §3303(b)).

(d) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).

(e) All interviews shall be for a reasonable period, and the employee's personal needs shall be accommodated (Government Code § 3303(d)).

(f) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).

(g) Absent circumstances preventing it, the interviewer shall record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).

(h) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to Lybarger. This admonishment shall be given administratively, whether or not the employee was advised of these rights during any separate criminal investigation (Government Code § 3303(h)).

(i) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

(k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

(l) 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).

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1009.9 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with official duties or if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may be administratively searched only in the employee's presence, with the employee's consent, with a valid search warrant, or when the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1009.10 COMPLAINT INVESTIGATION

(a) The supervisor accepting the complaint shall be responsible for accurately and fully completing the Complaint Control Form. The supervisor shall obtain preliminary statements from the complainant and any immediately available witnesses. When practicable to do so, all interviews will be recorded. If an interview is not recorded, the supervisor must provide a written explanation. Additionally, the supervisor shall collect and preserve any physical evidence that is readily available or may be time or weather sensitive.

(b) The supervisor accepting the complaint must clearly, accurately, and completely document each allegation made by the complainant on the Complaint Control Form. It is essential that the specifics (date, time, location) of the allegation(s) are obtained and included on the Complaint Control Form. If additional space is required, supervisors shall use a continuation page.

(c) Internal Affairs shall be responsible for overseeing all external and internal complaint investigations and ensuring they are completed in a thorough and timely manner. The Support Services Captain and Internal Affairs Lieutenant shall have the authority to assign investigations to other divisions or to assign Internal Affairs personnel to conduct investigations.

(d) Internal Affairs will issue a due date for each complaint investigation. All effort should be made to complete investigations within 120 days of the receipt of the complaint. It is understood that factors beyond the control of the investigators may delay the completion of the investigation beyond the 120-day goal. In those cases, the Internal Affairs Lieutenant should cause a letter to be sent to the complainant with a status update. The purpose of this policy is to ensure that complainants are kept appropriately apprised of the status of their complaints.

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(e) All recognized investigative methods for determining the facts surrounding a complaint will be used. Recorded interviews will be conducted with the complainant, employee(s), and all witnesses when practicable. If an interview is not recorded, the supervisor must provide a written explanation. To avoid having to interview the Department member against whom the complaint is lodged more than once, it is recommended the employee be the last person interviewed.

(f) Investigating supervisors shall separately set forth and address each issue raised in the complaint and specify the applicable policy sections.

(g) Investigating supervisors shall thoroughly investigate, evaluate, and specifically address in their investigation report the rationale and actual reason for any stop or search related to the complaint.

(h) 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 and final disposition within one year from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1. If the nature of the allegations dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery. Ideally, each investigation will be processed and reviewed by both the Department, the CPRC, and the City Manager within the one-year time period.

1009.11 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following findings:

Sustained – When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Not Sustained – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Unfounded – When the investigation discloses that the alleged act(s) either did not occur or did not involve Department personnel.

Exonerated – When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

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Incomplete – A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. Depending on the seriousness of the complaint and the availability of sufficient information, Incomplete matters may be further investigated.

Previous Administrative Review – A matter in which the actions of the employee(s) have been determined to be within policy in a previous Supervisor Administrative Review or other administrative investigation. If no further information is provided or discovered, beyond the facts already known at the time of the Previous Administrative Review, the Department supervisor, with approval of his or her commanding officer and the Internal Affairs Lieutenant, may classify the allegation with a finding of Previous Administrative Review.

Other Judicial Review – This finding is intended to address complaints in which the matter has been handled or would most appropriately be handled, by a judicial authority having jurisdiction over the matter.

Example 1: A member of the public complains that an officer failed to interpret a child custody order in the same manner as the community member interpreted it.

Example 2: A motorist complains about a traffic citation and the only issue is the motorist's guilt or innocence for the violation. No other issue of employee behavior is raised.

Example 3: A person complains that they were convicted of a crime that they did not commit. Assuming that no new evidence is provided beyond what the defendant raised or had the opportunity to raise in court, the appropriate finding would be Other Judicial Review.

Inquiry - A matter in which the complaining party is merely requesting clarification of a policy or procedure, or the alleged misconduct or improper job performance, even if true, would not constitute a violation of law or Department policy or procedure.

Frivolous – Complaints that are totally and completely without merit, or which are made for the sole purpose of harassing a police employee may be classified with a finding of Frivolous as approved by the Internal Affairs Lieutenant or a chief officer. (Per CA Penal Code §832.5 and as defined in section 128.5 of the Code of Civil Procedure).

Findings for each allegation shall be made by the Chief of Police or another chief officer acting in the place of the Chief of Police. The completed investigation will be forwarded to the CPRC. The CPRC, by majority vote, will make independent recommendations of findings for each allegation. Following CPRC review, the investigation shall be forwarded to the City Manager’s Office for the final determination of findings.

1009.12 ADMINISTRATIVE INVESTIGATION REPORT FORMAT

Investigations of personnel complaints shall be detailed and complete, and shall essentially follow this format:

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Introduction – The initial portion of the complaint should include the following headings: Date of Complaint; Date of Incident; Location of Incident; Complainant; Subject Officer(s); Witness Officer(s); Civilian Witnesses; Police File Number; Related File Number(s).

Allegations – List the allegations separately, including applicable policy sections, with a very brief summary of the evidence relevant to each allegation.

Summary - Provide a very brief summary of the facts giving rise to the investigation.

Investigation – Provide a brief description of the steps taken during the investigation.

Interviews – Under separate headings, list a summary of the interviews of the Complainant(s), Witnesses, and Subject Officer(s).

Exhibits – A separate list of exhibits, e.g. recordings, photos, documents, etc., should be attached to the report.

Investigating supervisors shall not make findings in their investigative report.

A separate Memorandum of Finding shall be prepared by the Lieutenant or manager charged with reviewing investigations conducted by sergeants and supervisors. This document shall detail the findings and explain their rationale as to each of the complaint allegations. The Memorandum of Finding shall include the following headings: Summary; Allegation(s); Finding; and Rationale. When there is a sustained finding, the following sections shall be included: Administrative Insight and Recommended Discipline and/or Training.

1009.13 COMPLAINT INVESTIGATION, REVIEW, AND APPROVAL

(a) Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s). Each level of management shall review the completed investigation for objectivity, thoroughness, timeliness, and compliance with Department policies and procedures.

(b) Completed complaint investigations will be routed through the chain of command to Internal Affairs. Each level of management shall review the completed investigation for objectivity, thoroughness, timeliness, and compliance with Department policies and procedures.

(c) Each command officer responsible for reviewing the investigation shall provide a written statement of concurrence or disagreement with the conclusions and findings of the investigation. If there is a disagreement, a full written explanation of the reason(s) for the disagreement shall be provided.

(d) Command personnel charged with reviewing investigations conducted by sergeants/ supervisors who directly supervise the employees that are the subject of a complaint shall review the investigation to ensure that a fair, unbiased, and thorough investigation was conducted.

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(e) Internal Affairs shall obtain final approval of the complaint investigation from the Chief of Police or designee.

(f) Investigating supervisors and reviewing managers shall only discuss or disclose investigative information with superior officers or members currently assigned to Internal Affairs.

1009.13.1 DISPOSITION OF INTERNAL INVESTIGATIONS AND EXTERNAL COMPLAINTS AGAINST CIVILAINS

(a) In cases of internal investigations or external complaints where the subject employee(s) is a civilian, the completed investigative report will be forwarded through the chain of command to the Chief's Office via Internal Affairs and the Support Services Captain. The subject civilian employee's commanding officer or designee, shall review the investigation and findings with the involved Department member(s). The commanding officer will have the Department member(s) read and sign a copy of the investigative report. Department members will not be given a copy of an investigative report unless it is to be used as a basis for disciplinary action against that member.

(b) If a Department member disagrees with the disposition or finding(s) of the investigation, they may submit a written rebuttal within thirty (30) days to the Support Services Captain. The Department member's written rebuttal will be filed with the completed investigation.

Except as to external complaints, the Chief of Police may accept or modify the findings and recommendation for disciplinary action contained in the report.

Within thirty (30) days after the findings are issued, written notice of those findings shall be sent to the complaining party. This notice shall indicate the findings, however, it will not disclose the amount of discipline imposed, if any. The complaining party should also be provided with a copy of their own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning his or her complaint may contact the Chief of Police to discuss the matter further.

1009.14 COMMUNITY POLICE REVIEW COMMISSION

(a) The approval process should be completed within 60 days.

(b) All completed investigations of complaints and inquiries initiated by members of the community against sworn members of the Department, and filed within 6 months of the event, shall be forwarded to the CPRC, along with all items of evidence (interviews, audio and video evidence, related reports, etc.). All information upon which the Department relies to arrive at its findings will be provided to the CPRC so that the commission may make its recommendations on the findings, independent of the Department's rationale.

(c) The CPRC will review all of the documentation provided in a closed session to maintain the officer's confidentiality. They will reach an independent conclusion as to the finding

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in the case. (See Section 1009.11 Disposition of Personnel Complaints.) The case will then be forwarded to the City Manager for a final decision on the case finding.

(d) Once the completed investigation is approved, in external complaint cases where the subject employee(s) is a sworn officer, Internal Affairs will forward the investigative report to the Manager of the Community Police Review Commission for their review as per Chapter 2.76 of the Riverside Municipal Code.

(e) Upon receipt of a finding from the City Manager's Office in cases where the subject employee(s) is a sworn officer, the subject employee's commanding officer or designee shall review the investigation and findings with the involved Department member(s). The commanding officer will have the Department member(s) read and sign a copy of the investigative report. Department members will not be given a copy of an investigative report unless it is to be used as basis for disciplinary action against that member.

(f) The City Manager will be responsible for notifying the external complainant, in writing by certified mail, within thirty (30) days of the disposition of the complaint. Additionally, Internal Affairs will notify, in writing, the Department member against whom the complaint was lodged and the member's commanding officer of the disposition of the complaint upon receipt of the finding from the City Manager.

1009.15 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints, whether originating from a community member or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to anyone other than the involved employee or authorized personnel, except pursuant to lawful process (Penal Code §832.7).

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 representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.). Internal Affairs will be responsible for maintaining a comprehensive file of all complaints received by the Department.

Any and all complaints, regardless of findings, shall be kept on file in the Internal Affairs Bureau.

1009.16 PITCHESS MOTION

A Pitchess Motion is a motion for discovery of peace officer personnel records where the defense counsel is attempting to establish a custom, habit or practice of excessive force, untruthfulness or false arrest against an arresting officer. Pitchess Motions generally are filed in cases where the defendant is charged with violating Penal Code sections 148, 241, 243, 245, or similar statutes (CA Evidence Code §1043 and §1046).

(a) Internal Affairs will handle all Pitchess Motions.

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(b) Upon the filing of a Pitchess Motion, Internal Affairs will promptly notify, in writing, the employee whose personnel records are being sought for discovery.Internal Affairs will also notify the employee what information, if any, was ordered released.The employee whose personnel records were the subject of a Pitchess Motion that resulted in information being released will be given the opportunity to review the information that was released, prior to testifying in the related criminal case.

(c) If the affidavit filed by the defense attorney is found by the judge to fulfill certain legal requirements, the judge will review the records requested “in camera” (judge’s chambers).

(d) In those cases where the judge feels that one or more of the complaints are relevant to the case in question, the judge may order the release of the names, addresses and telephone numbers of the complainants and any witnesses identified in those investigations, as well as the disposition of the complaint.

1009.17 COMPLAINT PROCEDURE COMPLIANCE AUDIT

Internal Affairs will be responsible for conducting two audits a year to ensure compliance with the Personnel Complaint Policy.

(a) The Internal Affairs Lieutenant may solicit the cooperation of any person to act on behalf of the Department posing as a member of the public requesting to file a personnel complaint or requesting information on the complaint procedure. The details of the fictitious complaint shall be sufficiently serious to cause a supervisor to complete the Complaint Control Form.

(b) Upon receipt of the completed Complaint Control Form, Internal Affairs will immediately make the necessary changes to the Complaint Control Log to reflect the complaint as an audit.

(c) The Internal Affairs Lieutenant will review the audit complaint for completeness, accuracy, and compliance with the complaint policy and procedure. A report summarizing the results of the audit will be prepared and forwarded to the Chief of Police and the CPRC.

(d) Failure of any supervisor to follow the complaint procedure shall be referred to that supervisor’s Division Commander for appropriate action. This section shall also apply during any testing or audit exercise.

1009.18 CPRC EVALUATION OF COMPLAINT PROCEDURE COMPLIANCE

(a) The CPRC will meet with RPD at least twice a year to review and ensure compliance of this policy.

1. The Chair and Manager will represent the CPRC while meeting with RPD’s Internal Affairs Lieutenant or other designee.

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(b) The CPRC will select for review no less than 30% of the completed complaint cases every six months.

1. The CPRC and RPD will review cases for compliance from the point of initiation until final review by the City Manager's Office. These reviews could include an additional contact of the complainant by CPRC to help determine overall compliance of this policy.
2. Public employee personnel information obtained from cases reviewed will remain confidential as per CA Government Code §3300 et. al.
3. CPRC will prepare a report summarizing the results of its compliance evaluation. The report will be forwarded to the City Manager's Office, the Chief of Police, and the CPRC.

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Seat Belts

1010.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

1010.2 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.

1010.2.1 TRANSPORTING CHILDREN

Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

1010.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1010.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief of Police.

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Seat Belts

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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Body Armor

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1011.2 POLICY

It is the policy of the Riverside 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.

1011.3 ISSUANCE OF BODY ARMOR

The Personnel Bureau shall ensure that body armor is issued to all officers when the officer begins service at the Riverside Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Personnel Bureau 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.

1011.3.1 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) Ballistic vest shall be worn by all first responders assigned to field duties and working in a uniformed capacity 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.

1011.3.2 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.

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1011.3.3 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.

1011.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster 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.

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Personnel Records

1012.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1012.2 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).

1012.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department File (P-File) - That file which is maintained in the Support Services Division-Personnel Bureau as a permanent record of a sworn officer's employment with this department.

Division File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

Background File - Files that contain the personal history of employees prior to employment with the Riverside Police Department.

1012.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1012.5 TRAINING FILE

An individual training file shall be maintained by the Training Bureau Manager 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).

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(a) The involved member is responsible for providing the Training Bureau Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Bureau Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

1012.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the express consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1012.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files which have not been sustained against the employee

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1012.7 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 past, present or future anticipated mental, psychological or physical limitations.

1012.7.1 DEPARTMENT FILE

The Department File contains all permanent administrative actions involving the employee including but not limited to: performance evaluations, Personnel Action Notice (P-2), commendations, awards, discipline involving any reprimand, suspension, reduction in compensation, demotion, notice of intent to take disciplinary action, termination, and arbitration. The Personnel Services Bureau maintains the Department File. This file is never purged.

1012.7.2 DIVISION FILE

The Division File is located in the employee's assigned Division. The file shall contain a copy of the most current performance evaluation and all Personnel Incident Reports (PIR), admonishments, letters of appreciation, commendations or notes for the evaluation period. The Division File will be purged by the Division Commander or designee when the employee receives an evaluation. The Division File shall not contain disciplinary material involving a reprimand, suspension, reduction in compensation, demotion, or termination.

Upon transfer to another Division, the employee's Division File shall be forwarded to appropriate Division Commander. Division Employees may review their own files in accordance with this policy. After the employee's most current performance evaluation has been placed into the Division File, the previous performance evaluation and all supporting documentation shall be sealed in a folder and forwarded to the Support Services Division-Personnel Bureau for destruction after two years.

1012.7.3 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Bureau in conjunction with the Office of the Chief of Police. Access to these files may only be approved by the Chief of Police or designee, or the Professional Standards Bureau Commander. These files shall contain:

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All Administrative Investigations, Citizen Complaint Investigations, Use of Force Investigations, Pursuit Critique Investigations, Property Damage Investigations, Civil Liability Investigations, Claims, Lawsuits, and K-9 Apprehension Investigations.

Internal Affairs files are filed by quarter, by the name of the involved employee, and by the incident number. As such, there is no individual employee Internal Affairs file containing cumulative documents readily available for review. An employee who requests to review an Internal Affairs file must schedule a date and time to conduct the review with the Support Services Division Commander or designee.

Internal Affairs Files are purged in accordance with City Policy and State law.

1012.7.4 TRAINING FILES

An individual training file shall be maintained by the Support Services Division - Training Bureau for each employee. Training files will contain records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.

(a) It shall be the responsibility of the involved employee to provide the Training Bureau Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Bureau Manager or supervisor shall ensure that copies of such training records are placed in the employee's Training File

Employees may review their own files in accordance with this policy.

Training files are never purged.

1012.7.5 MEDICAL FILE

The Medical File contains the employee's complete medical information. The file should contain any medical condition(s) or treatment(s), doctors' orders submitted by employee and Workers' Compensation documentation. Approval by the Support Services Division Commander or designee must be obtained before the release of any information from the medical files. This file is never purged. The Department must maintain confidential medical information, as defined by the Americans with Disabilities Act (ADA) and The California Confidentiality of Medical Information Act. Civil and criminal penalties may result from the unauthorized access to these files and/or the failure to maintain the confidentiality of these records.

1012.7.6 BACKGROUND FILE

The Background File contains the personal history of employees prior to employment with the Riverside Police Department.

This file is never purged.

The Background File also contains the personal history of employee candidates who were not hired. Disqualified applicant files are purged in accordance with City Policy and State law. Access

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to Background Files is restricted and may only be reviewed by the employee after obtaining written permission from the Chief of Police or designee and in accordance with State law.

1012.8 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.

1012.9 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 Professional Standards Bureau supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(2)):

- 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, or whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- 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 implementation of corrective action.

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Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by an officer.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.

(b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) 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 sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the officer. However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

1012.9.1 NOTIFICATION TO INVOLVED EMPLOYEES

At least 10 days prior to the City initially disclosing documents pursuant to a request falling under Senate Bill 1421, the City shall notify the involved officer(s) and provide copies of what the City intends to release. If requested by the Riverside Police Officers Association, the Officer and his/her representative may meet with the Chief of Police and his or her designee and City Attorney's Office to discuss if the documents fall within the SB 1421 criteria. The City shall make a final decision after this meeting and at least 5 business days prior to release of the documents, to allow the Officer(s) involved to seek an injunction to prevent the release, if he/she so desires. Any subsequent disclosures of identical records, pursuant to a request falling under Senate Bill 1421, the City shall only notify the involved officer(s) of the request and intent to disclose.

1012.9.2 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

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(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 complainants 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 misconduct and serious 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)(6)).

1012.9.3 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 records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident where force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until whichever occurs later:

(a) There is a determination from the investigation whether the use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the use of force or allegation of use of force

(b) Thirty days after the close of any criminal investigation related to the officer's use of force

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1012.9.4 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, the 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 to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about use of serious force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(7)).

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Request for Change of Assignment

1013.1 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.

1013.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a "Request For Transfer" form when the assignment becomes available. The form should then be forwarded to the Support Services Division.

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.

The Request for Transfer list shall expire on the date of the following shift change.

1013.3 DEFINITION OF A SPECIAL ASSIGNMENT

Sworn Personnel: Assignments for Police Sergeants and Police Officers that require a division or intra-division transfer from patrol duty are generally considered Special Assignments.

(a) Inclusions: Special Assignments that are included within this policy include, but are not limited to:

  (a) Aviation Sergeant

  (b) Investigations Sergeant – All Divisions

  (c) Internal Affairs Sergeant

  (d) METRO (SWAT) Sergeant and Officer

  (e) Post Release and Compliance Team (PACT) Sergeant and Officer

  (f) Personnel Sergeant and Officer

  (g) Traffic/Motor Sergeants

  (h) Training Bureau Sergeant and Officer

  (i) Tactical Flight Officer/Pilot Trainee

  (j) Community Services (CSB) Officer

  (k) Galleria at Tyler (GAT) Officer

  (l) K-9 Officer

  (m) Problem Oriented Policing (POP) Officer

  (n) Range Master

  (o) Downtown Entertainment District (DED) Sergeant and Officer

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(p) Public Safety and Engagement Team (PSET) Officer

(q) Accident Investigator

(r) Motor Officer

(s) Community Outreach Officer

(t) School Resource Officer (SRO)

(u) FTO Coordinator (Sergeant)

Special Assignments are not limited to the preceding list. Any omitted or other future, Special Assignment positions will be governed by the guidelines listed in this policy.

Civilian Personnel: All assignments of non-sworn personnel are not subject to this policy, and are made at the discretion of the Chief of Police or designee.

1013.4 DURATION OF SPECIAL ASSIGNMENTS

All Special Assignments for Police Sergeant and Police Officer will be for a period of two (2) years with a mutual acceptance option between the Officer and Division Commander for one (1) additional year with approval of the Chief of Police, unless otherwise stated in this policy.

Sergeants assigned to Internal Affairs may be extended at the discretion of the Deputy Chief of Administration when the assigned Sergeant is actively involved in an exceptional investigation that requires additional time for its completion.

Sergeants assigned to Aviation, Robbery/Homicide, METRO (SWAT), and Motors will be for a period of three (3) years with a mutual acceptance option between the Sergeant and Division Commander for an additional one (1) year.

1013.4.1 DURATION OF SPECIAL ASSIGNMENTS FOR METRO, TRAFFIC, AND K-9

(a) METRO: As of July 1, 2015, officer assignments to the full time METRO Team will be for a period of three (3) years. At the end of the three years, officers have the option to extend the assignment each year for four (4) more years (a total of seven (7) years) upon receiving a “Satisfactory” or higher annual performance evaluation and a mutual agreement with the Division Commander and approval of the Chief of Police. Officers on the full time METRO Team, who were assigned as such prior to July 1, 2015, can remain in the assignment indefinitely upon receiving a “Satisfactory” or higher annual performance evaluation and a mutual agreement each year with the Division Commander and approval of the Chief of Police. Officers in good standing may have the option of remaining on one of the collateral teams after their time has expired on the full time team, with approval of the Division Commander.

(b) Traffic: As of July 1, 2015, officer assignments in the Traffic Bureau will be for a period of three (3) years. At the end of the three years, officers have the option to extend the assignment each year for four (4) more years (a total of seven (7) years) upon receiving a “Satisfactory” or higher annual performance evaluation and a mutual

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agreement with the Division Commander and approval of the Chief of Police. Officers in the Traffic Bureau, who were assigned as a Motor Officer prior to July 1, 2015, can remain in the assignment indefinitely upon receiving a “Satisfactory” or higher annual performance evaluation and a mutual agreement each year with the Division Commander and approval of the Chief of Police.

1. The positions of Motor Officer and Accident Investigator are considered separate special assignments.

(c) K-9: As of July 1, 2015, officers selected to the K-9 Unit will be for a period of seven (7) years. This time period will begin upon successful completion of a Basic Handler Course. If during the seven (7) year assignment period, a Police Service Dog is removed from service, the handler officer will have the option of continuing the remainder of the assignment period with a replacement Police Service Dog.

1. The expected service life of a Police Service Dog is seven (7) years.

2. Upon completion of its seven (7) years of service life, the ownership of a Police Service Dog, with City Council approval, may be transferred to the assigned handler. If, however, a Police Service Dog has not reached the expected service life and the assigned handler has already completed the seven (7) year assignment period, the Police Service Dog will be reassigned to a new handler.

1013.5 ELIGIBILITY REQUIREMENTS

To be eligible for a Special Assignment, a Police Officer or Sergeant must have satisfactorily completed probation, and have completed two (2) years sworn time with the Riverside Police Department at the time of appointment. The Officer or Sergeant must have attained satisfactory or higher ratings for the past two performance evaluations. Officers or Sergeants are not eligible for Special Assignments for at least one (1) year after completing a Special Assignment tour. An Officer or Sergeant currently in a Special Assignment is not eligible to fill a Special Assignment vacancy.

(a) Exceptions:

1. In the event a Special Assignment is posted and no eligible candidate submits a request for the position, the Chief of Police may appoint an employee to fill the position.

2. Employees who are on probation, or who have been out of a Special Assignment for less than one (1) year, may be selected for a Special Assignment in the event no eligible candidate submits a request for that assignment.

3. Officers, Detectives and Sergeants may apply for a Collateral Duty Assignment without having completed a probationary period, providing they have attained a satisfactory or higher rating at time of their request. (Collateral Duty is NOT a Special Assignment).

4. An officer assigned as an Accident Investigator may be selected for the Motor Officer position, under the duration terms outlined above in section 1013.4.1

5. If an employee is in a Special Assignment, which for reasons beyond the employee's control is vacated (due to staffing issues, realignment, loss of

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funding, etc.) the employee's eligibility for future Special Assignments will not be limited by the above listed provisions. However, If the employee has already completed two years in the Special Assignment that is vacated, their eligibility will be determined at the discretion of the Chief of Police.

(b) Job Specific Requirements: Officers, Detectives and Sergeants must meet or exceed the minimum requirements set forth in the job specific requirements for the Special Assignment position or Collateral Duty Assignment.

1013.6 SELECTION PROCEDURE

Sergeants and Police Officers:

(a) When there is an actual or pending vacancy within the division, the Division Commander will be responsible for establishing job-specific requirements. The Division Commander shall notify Support Services Division indicating the expected date of vacancy and the requirements for the position.

(b) Support Services Division shall prepare a memorandum announcing the vacancy and inviting eligible candidates to apply. Written announcements shall be circulated and posted for a period of at least fifteen (15) days in a manner that gives reasonable notice to all eligible personnel. Written announcements shall contain:

1. Final filing date for application
2. Job-specific requirements

(c) Support Services Division shall compile a list of eligible candidates and submit it to the the requesting Division Commander.

(d) In the event no eligible candidates submit a request for an assignment, the Support Services Division will contact employees on probation and employees who have been out of a Special Assignment for less than one year to determine if they are interested in the assignment. Support Services will compile a list, containing the interested employees, and submit it to the requesting Division Commander.

(e) The Division Commander will facilitate the interview process for all candidates on the list. Upon completion of the interview of the candidates, the Division Commander shall select the most qualified candidate and notify the Support Services Commander who was selected, prior to notifying the employee. The Division Commander shall coordinate the date of transfer of the affected person with his/her current Division Commander.

1. For anticipated personnel movements, every attempt shall be made to make selections no fewer than thirty (30) calendar days prior to Field Operations shift change.

(f) The remaining eligible candidates who were not selected will be placed on a certified eligible candidate list. The list will remain valid and shall expire on the date of the following shift change. In the event of an opening in the division, the Division Commander may select a candidate from the existing eligible candidate list until the list expires.

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(g) All personnel shall be assigned within the divisions to areas of responsibility and duty hours at the discretion of the Division Commander.

Detectives:

(a) When there is an actual or pending vacancy within the Investigations Division, the Division Commander will be responsible for establishing job-specific requirements. The Division Commander shall notify Support Services Division indicating the expected date of vacancy and the requirements for the position.

(b) Support Services Division will send an email to all detectives announcing the vacancy, and request a response from all detectives indicating whether or not they are interested in the position. The email notice will be sent in a manner that gives reasonable notice to all detectives, generally one week. Employees are encouraged to make necessary arrangements/notifications if they anticipate being out of town and/or away from department email access during the open period of vacant position

(c) Support Services Division shall compile a list of interested candidates and submit it to the requesting Division Commander. The Division Commander may select a detective from the list of interested personnel, or elect to conduct interviews of the candidates, prior to their final selection.

1013.7 SPECIAL CONSIDERATIONS

Basis of Selection: Division Commanders shall select the most qualified candidate who best meets the needs of the Department.

Completion of Special Assignment by Police Sergeant and Police Officer: Personnel at the rank of Police Sergeant and Police Officer, upon completion of a Special Assignment, shall return to Field Operations Division and shall not be eligible for a subsequent Special Assignment for a period of one (1) year. Personnel at the rank of Police Sergeant and Police Officer, currently in a Special Assignment, must return to patrol for one (1) year in order to be eligible for a different Special Assignment.

(a) Officers who have not been back in patrol for one (1) year, or who are currently in a Special Assignment, will not be excluded from filling a vacancy in the following assignments:

METRO Team

Motor Unit

K-9 Officer

If such an officer is selected for one of these assignments, they will be eligible to serve the full duration (up to 7 years) of that assignment, pursuant to their respective terms as described above.

No Tolling - Duration of Special Assignments: If any employee in a Special Assignment is placed on modified duty, inactive status, or off roster, the duration of their assignment will not "toll." Example: An employee who utilizes two months of FMLA Leave, and is "off roster" for an

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additional four months, is not be eligible to remain in a Special Assignment for an additional six months beyond the normal duration of the assignment.

Adherence to Overtime Regulations: Changes in shift assignments and/or days off shall be accomplished in a manner that assures personnel do not exceed 40 work hours in a continuous one (1) week period. Personnel exceeding 40 hours in one week shall be compensated as established by overtime regulations.

Approval of Chief of Police: All approval for personnel to fill vacancies shall be subject to the final approval by the Chief of Police or Designee.

1013.8 NOT A BINDING AGREEMENT

This is not intended to be a binding agreement. Notwithstanding this policy, the Chief of Police or Designee may place or remove personnel from particular assignments at his/her discretion, without prejudice, to meet the needs of the Department.

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Employee Commendations

1014.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This policy provides general guidelines for the awarding of commendations for exceptional employee performance.

1014.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1014.2.1 RECOMMENDATIONS FOR DIVISION-LEVEL COMMENDATION

Recommendations for a Commendation for Excellent Police Service, Commendation for Excellent Team Effort, or Division Commanders Commendation shall be submitted through the chain of command. A supervisor or manager shall note his/her concurrence or non-concurrence and forward the recommendation to his/her supervisor. The Division Commander makes the ultimate decision whether to issue a Division-level commendation.

1014.2.2 RECOMMENDATIONS FOR MEDALS

Recommendations for the Medal of Valor, Purple Heart, Police Medal, Distinguished Service Medal or Lifesaving Medal shall be submitted through the chain of command. A supervisor, manager, or Division Commander receiving a medal recommendation shall note his/her concurrence or non-concurrence with the recommendation and forward it through the chain of command. The Chief Officer with responsibility for the nominated employee’s division will make a determination whether the recommendation is declined or forwarded to the Chief’s Medal Committee for final review. A recommendation for award of a medal, which is declined but found worthy of lesser recognition, may be returned to the Division level to be presented instead as a Division-level commendation.

1014.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee

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1014.3.1 COMMENDATION INCIDENT REPORT

The "Request for Commendation" form shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name, bureau, and assignment at the date and time of the commendation

(b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate

(c) Signature of the commending supervisor

Completed forms shall be forwarded to the appropriate Division Commander for his/her review. The Division Commander shall sign and return the commendation to the employee for his/her signature. The report will then be returned to the Personnel Bureau supervisor for entry into the employee's personnel file.

1014.4 POLICE MEDALS

The Personnel Bureau shall receive the names of employees who have been recommended for the Medal of Valor, Purple Heart, Lifesaving Medal, Police Medal, or Distinguished Service Medal on a Request for Commendation form through the supervising employee's chain of command. The form will note the unusual aspects of the situation, how it is above normal performance, what the activity accomplished, what personal risk was involved, if applicable, and the grade of commendation requested: The Division Commander has the authority to issue the Commendation for Excellent Police Service, Commendation for Excellent Team Effort, or Division Commander's Commendation without prior routing to the Personnel Bureau.

1014.4.1 MEDAL OF VALOR AWARD

The Medal of Valor may be bestowed upon a police employee when, by virtue of his/her involvement, either on or off duty, he/she courageously exhibits commendable and exemplary conduct portraying the highest standards of police service by knowingly assuming extreme and grave personal risk which did or probably could have resulted in death or injury to such employee.

The Medal of Valor is described as follows:

A gold "sunburst" medal, 2.5 inches in diameter. The City of Riverside seal will appear in the center. The words "Riverside Police Department" in blue lettering will encircle the top of the seal. The words "Medal of Valor" in blue lettering will encircle the bottom of the seal. These words will be preceded by a blue star. A gold banner, with the employee's name inscribed, will appear at the top of the medal.

The medal will hang from a blue and white ribbon.

1014.4.2 PURPLE HEART MEDAL

The Purple Heart may be bestowed upon a police employee when, by virtue of his/her involvement in law-enforcement activity, he/she sustains a serious traumatic injury. This medal may be awarded to the employee, or posthumously to the employee's next of kin for those who are killed in the line of duty.

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The Purple Heart Medal is described as follows:

A gold "sunburst" medal, 2.5 inches in diameter. The Seal of the City of Riverside will appear in the center. The words "Riverside Police Department" in purple lettering will encircle the top of the seal. The words "Purple Heart" in purple lettering will encircle the bottom of the seal. These words will be preceded by a purple star. A gold banner, with the employee's name inscribed, will appear at the top of the medal.

The medal will hang from a purple and white ribbon.

1014.4.3 POLICE MEDAL

The Police Medal may be bestowed upon a police employee when, by virtue of his/her involvement, either on or off duty, he/she courageously exhibits commendable and exemplary conduct portraying the highest standards of police service by knowingly assuming extreme and grave personal risk which are beyond that which is ordinarily experienced.

The Police Medal is described as follows:

A silver circular medal, 1.5 inches in diameter. The medal will have the City of Riverside seal in the center of the words, "Riverside Police Department" arched above the seal and the words, "Police Medal" arched below the seal in blue. The phrases will be separated by stars.

The back of the medal shall contain the name of the recipient and the date the medal was awarded.

The medal will hang from a gold ribbon with a pin attachment.

1014.4.4 LIFESAVING MEDAL

The Lifesaving Medal may be bestowed upon a police employee when, by virtue of his/her involvement, either on or off-duty, he/she exhibits commendable and exemplary conduct portraying the highest standards of police service by providing life-saving efforts to a person who, without immediate assistance, would be in imminent risk of death.

The Lifesaving Medal is described as follows:

A gold circular medal, 1.5 inches in diameter, surrounded by a gold wreath. The medal will have the Seal of the City of Riverside in the center with the words "Riverside Police Department" and two stars placed around the seal. A gold scroll located above the seal will have the words "Lifesaving Medal" in blue. The entire piece will be supported by a white enamel cross bordered in red and gold.

The medal will hang from a red white and blue ribbon with a pin attachment.

1014.4.5 DISTINGUISHED SERVICE MEDAL

The intelligent performance of an act materially contributing to a valuable police accomplishment under unusual circumstances or conditions, performed with special perseverance; or, the submission of a device or method when upon evaluation and adoption, would substantially improve an administrative or tactical procedure.

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The Medal for Distinguished Service is described as follows:

A gold octagon 1.5 inch medal surrounded with wreaths with the City of Riverside seal in the center. The medal will have the words, "Riverside Police Department" arched above the seal and the words, "Distinguished Service Medal" arched below the seal in blue. The phrases will be separated by stars.

The back of the medal shall contain the name of the recipient and the date the medal was awarded.

The medal will hang from a white ribbon with a pin attachment.

1014.4.6 COMMENDATION FOR EXCELLENT POLICE SERVICE
The intelligent and efficient performance of duty resulting in, or materially contributing to, the accomplishment of a highly significant and valuable police duty.

A Certificate of Commendation for Excellent Police Service will be awarded to the recipient.

1014.4.7 COMMENDATION FOR EXCELLENT TEAM EFFORT
The intelligent and efficient performance of duty by two (2) or more employees working together toward a common goal resulting in, or materially contributing to, the accomplishment of a highly significant and valuable police duty.

A Certificate of Commendation for Excellent Team Effort will be awarded to the recipients.

1014.4.8 KINKEAD MEDAL OF SERVICE
The Medal of Service may be awarded to members of the Riverside Police Department in good standing, who have exemplified themselves by virtue of their loyalty and devotion to duty, whose service has contributed to the goals and accomplishments of the Department and to Law Enforcement in general. The employee shall have completed a minimum of twenty years of service with the Department.

The Kinkead Medal of Service is described as follows:

A silver "sunburst" medal, 2.25 inches in diameter. The City of Riverside seal will appear in the center. The words "Riverside Police" in blue lettering will encircle the top of the seal. The words "Kinkead Service Award" in blue lettering will encircle the bottom of the seal. These words will be preceded by a blue star.

The medal will hang from a red and white ribbon with a pin attachment.

(a) Employee:
    - Submit name of employee to Chief's Office

(b) Office of the Chief of Police
    1. Forms a Review and Recommendation Committee
    2. The Chief will designate the manner in which the award shall be presented.

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1014.5 PROCEDURE
Responsibility:

(a) **Employee**:

- Any employee may make a recommendation for a commendation. The recommending employee shall submit the recommendation on a "Request for Commendation" form within 15 days of the incident, and route it through the appropriate chain of command.

(b) **Division Commander**:

1. The Division Commander has the authority to issue the following awards:
   (a) Commendation for Excellent Police Service
   (b) Commendation for Excellent Team Effort
   (c) Division Commanders Commendation
2. The Division Commander screens the request to decide which type of commendation should be awarded for Division-level recognition.
3. The Division Commander has the responsibility to place a copy of the any award issued in the employee's personnel file.

(c) **Medal Committee**:

- Recommendations for award of all medals shall be reviewed by the Medal Committee, which consists of the Chief of Police, or designee, and Division Commanders.

(d) **Chief of Police:**

- The Chief of Police makes the final decision regarding whether to award any medal, and designates the time and manner of presentation.

1014.5.1 CITY OF RIVERSIDE SUGGESTION AWARD
When an employee submits a meritorious suggestion which increases the efficiency of the Department and/or the City as a whole, an award may be given to that employee.

This award will be given under the guidelines set forth in Section IX-10 of the City of Riverside Administration Manual.

1014.5.2 OTHER ORGANIZATION AWARD PROGRAMS
Several other police organizations routinely recognize the positive efforts and actions of local law enforcement officers and citizen as they endeavor to protect and serve the community. The Office of the Chief of Police will consider each recommendation to determine if it merits nomination of awards given by other organizations, such as:

(a) F.B.I Awards Program.

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(b) California Attorney General Awards Program.

(c) Parade Magazine / International Association of Chiefs of Police Award.

(d) California Peace Officers Association Award of Merit and Certificate of Appreciation.

(e) International Association of Women Police Award.

(f) National Organization of Black Law Enforcement Executives (NOBLE).

(g) Latino Peace Officers Association.

(h) Law Enforcement Appreciation Committee (LEAC).

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Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees. Refer to Human Resources Policy and Procedures Manual, section II-5.

1016.1.1 MEAL PERIODS

Sworn employees 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.

1016.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, 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.

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.

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Lactation Breaks

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

1017.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Field employees desiring to take a lactation break shall notify the Communications Center supervisor prior to taking such a break. All other employees shall notify their appropriate 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.

1017.4 PRIVATE LOCATION

The Department will accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public. Additionally, the lactation room or location shall comply with all requirements pursuant to state and federal law (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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1017.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

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Payroll Records

1018.1 PURPOSE AND SCOPE

Payroll records are submitted to the City's Payroll section on a bi-weekly basis for the payment of wages as described in the City of Riverside Administrative Manual, section 6.004. Guidance on hours of work is found in Human Resources Policy and Procedures Manual, section II-4.

1018.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1018.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Payroll records shall be completed and submitted to Administrative Services no later than 10:00 a.m. on the Friday morning following the end of the pay period, unless specified otherwise.

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Overtime Compensation Requests

1019.1 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.

1019.1.1 DEPARTMENT POLICY

Non-exempt employees are not authorized to volunteer work time to the Department doing the same type of work for which they are paid.

Non-exempt employees, who are not on formal, paid on-call status, are not expected to monitor their telephones or department email account while off duty. A non-exempt employee who performs any work while off duty, at the request of a department supervisor, should request overtime compensation.

All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment except for grant, task force, and/or voluntary overtime that has been specified in advance is limited for pay only.Compensatory time in excess of the maximums established for each bargaining unit will be paid in cash.Refer to the appropriate MOU for limits.

1019.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall record all overtime compensation requests for verification and approval by their immediate supervisors before the end of the pay period, or earlier if required by payroll. Court-related on-call pay and overtime is authorized, verified, and approved only by Court Services. Refer to the City's Fringe Benefits and Salary Plan section FB4-1, RPOA MOU section 3.4, RPOA Supervisory MOU section 3.4 and the Court Appearance and Subpoenas Policy.

Supervisors or other authorized schedulers may record overtime requests on behalf of employees working back-fill and/or special event assignments. Such records should be reviewed by the affected employee for accuracy. Employees shall not delay recording overtime requests to a subsequent pay period in order to "even out" the number of overtime hours in any pay period.

Failure to record a request for overtime compensation in a timely manner may result in discipline.

1019.2.1 EMPLOYEES RESPONSIBILITY

Employees shall record overtime in a timely manner and verify that the information on all records entered on their behalf is correct.

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1019.2.2 SUPERVISORS RESPONSIBILITY
The supervisor who approves the overtime request shall verify that the overtime was worked before approving the request.

1019.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court).

1019.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest tenth (1/10) of an hour (six minutes).

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Special Assignment of Police Personnel

1020.1 LEGAL AUTHORITY

Section 2.28 of the Riverside Municipal Code sets for the legal authority for special assignments.

1020.2 FUNCTION

The primary function of the police of any community is the protection of life and property, preservation of the public peace, and the detection and arrest of offenders.

1020.2.1 ENFORCEMENT AND INVESTIGATIONS

Officers on special assignment should investigate all crimes that are brought to their attention. If it appears that the investigation is too involved to be handled by the officer on special assignment, referral to another member of the department is permitted after obtaining supervisory approval.

Officers should be particularly familiar with the various laws and ordinances they may have occasion to enforce, concerning the particular type of event they are policing.

1020.3 DEFINITIONS

1020.3.1 EXTRA DUTY ASSIGNMENTS

Such assignments are uniform assignments worked by sworn personnel during off-duty hours in which duties are performed as a peace officer for a specified purpose or event and at specific times.

1020.3.2 TYPE OF EXTRA DUTY ASSIGNMENTS

Extra duty assignments may be any of the following:

(a) Special events for which an officer(s) is assigned on a "one-time" basis, i.e., school dances and athletic events.

(b) Recurring assignments requiring an officer(s) on a regular basis, i.e., general security at specific locations on recurring basis.

1020.3.3 SPECIAL ASSIGNMENTS

Special assignments are unusual duties worked during normal or adjusted working hours which are compensated by overtime, time off, or through the normal payroll process.

1020.4 ASSIGNED DUTIES

The Riverside Police Department Disciplinary Policy addresses the carrying out of assigned duties and is applicable to extra duty and special assignments.

1020.4.1 EXPECTATIONS

Employees working extra duty or special assignment shall be deemed to be on regular duty under the general supervision of the Chief of Police and subject to policy, rules, and regulations of the

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Riverside Police Department. Employees working extra duty or special assignment are subject to discipline for violations of policy, including:

(a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.

(c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

(d) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisor without a reasonable and bona fide excuse.

1020.5 SPECIAL EVENT REQUESTS BY PUBLIC

Field Operations shall be responsible for the contracting and completing of the Special Event form.

1020.6 PERSONNEL ASSIGNMENT TO EXTRA DUTY AND SPECIAL ASSIGNMENTS

Field Operations shall be responsible for assigning personnel to extra duty or special assignments.

1020.6.1 PROCEDURE

Personnel who wish to be considered for extra duty and special assignments must submit a memo which indicates:

(a) Type of assignment requested

(b) Hours of the day available

(c) Current phone number

(d) Days of the week available.

Assignments will normally be made in the same order that memos are received. Assignments will generally be rotated among all eligible personnel who have requested such assignment.

1020.7 ELIGIBILITY FOR EXTRA DUTY ASSIGNMENTS

(a) All personnel of the rank authorized for an extra duty assignment or rank above that authorized will normally be eligible.

(b) Personnel must be off regularly assigned duty during the time extra duty assignments are to be worked.

(c) Personnel may be denied eligibility for extra duty due to disciplinary action, physical limitation, or below standard job performance.

1. Personnel who are unable to perform normal police duty due to injury or illness shall not work an extra duty assignment while on limited duty, nor shall personnel

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work an extra duty assignment on the same date that any normal duty time is missed due to illness or injury.

2. Personnel who are unable to work an extra duty assignment shall notify the Field Operations Administrative Analyst as soon as possible. If the Field Operations Administrative Analyst is not available, the Area Commander, on-call Area Commander, on-duty Sergeant or designee shall be notified.

(d) The following limitations on voluntary overtime will apply:

1. No more than 6 hours of voluntary overtime in any 24-hour period that includes a regular work shift.
2. No more than 20 hours a week.
3. No more than 40 hours per pay period.

1020.8 RESPONSIBILITIES

(a) Sign In: Personnel working extra duty assignments shall be responsible for insuring that times started and ended are included on the attendance log. The time listed on the event is when the officer will be on site. The ending time is when the officer will be permitted to leave the assignment.

(b) Roster: The ranking or senior officer assigned to extra duty shall ensure that the on-duty Area Commander, on-call Area Commander, on-duty Sergeant or designee is appraised of:

1. The nature of the assignment.
2. The location of the assignment.
3. The duration of the assignment.
4. The names of all personnel assigned.

(c) Equipment: The ranking or senior officer assigned shall ensure that all Departmental property and equipment to be utilized are properly signed out and returned.

(d) Reporting: Upon completion of an extra duty assignment, a blue extra duty assignment log will be completed with all the indicated information.

(e) Chain of Command:

1. Personnel on extra duty assignments regardless of normal work assignment, shall fall within the normal chain of command of the Division responsible for the event.
2. Personnel on extra duty assignments shall be under the immediate supervision of the senior or ranking officer at the location of the assignment.

(f) Duties:

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1. Personnel should cooperate with the event management, however, officers shall not be assigned to any non-police duties, e.g.,:
    (a) Doorman
    (b) Maitre'd
    (c) Enforcer of house rules, standards or policies
2. Personnel may be assigned to specialized duties, e.g.,:
    (a) Fixed posts
    (b) Crowd control
    (c) Traffic/Pedestrian control
    (d) When assigned to any special event, officers will not invite relatives or friends to visit.

(g) Supervision:
    (a) For those events requiring law enforcement personnel with an anticipated attendance of 1500, 1 Sergeant and 6 Officers should be assigned.
    (b) For events, requiring law enforcement personnel with an anticipated attendance of 1500-3000, 1 Lieutenant, 2 Sergeants, and 10 Officers should be assigned.
    (c) In the cases where events pose unusual security and/or safety problems, the number of supervisors and personnel required may be modified as necessary.
    (d) It shall be the responsibility of the designated ranking officer to take charge of all Department personnel and equipment assigned to the event.
        (a) The event supervisor should cooperate with the facilities manager.
        (b) When required by the Field Operations Division Commander, the event supervisor shall develop a security and deployment plan for the event and submit it to the Field Operations Division Commander.
        (c) The event supervisor shall provide updated information to the Field Operations Division Commander of any information or circumstances which require the commitment of additional manpower or equipment to an event. In the event that the Field Operations Division Commander is not available, the Area Commander, on-call Area Commander or designee is to be notified.

(h) COMPENSATION:
    1. Personnel working extra duty assignments shall be compensated at time and one-half pay.

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2. Holidays: Holidays shall be compensated at the established rate of pay, not at double time.

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Outside Employment

1021.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police, City Manager, and Human Resources Director 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 and Human Resources Policy and Procedures Manual section (I-7).

1021.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through the Police Department so that the Department may be reimbursed for the cost of wages and benefits.

1021.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete a Request to Engage in Outstide Employment form which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through his/her chain of command 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 new request will be needed only when/if the secondary employment changes. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee’s Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

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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).

1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1021.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

(d) Involves time demands that would render performance of the employee's duties for this department less efficient

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1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1021.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

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1021.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1021.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation through his/her chain of command 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 Riverside Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

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Occupational Illness and Work-Related Injury Reporting

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to the Personnel Bureau, to ensure proper medical attention is received, and document the circumstances of the incident.

1022.1.1 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.).

1022.2 POLICY

The Riverside Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1022.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work related illnesses requiring medical care must be reported to the employee's immediate supervisor and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered. The immediate supervisor shall notify the Personnel Bureau Supervisor of the injury and treatment being sought.

1022.2.2 ACCIDENT DEFINED

Accident - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1022.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor at a City approved MPN Clinic or hospital if the injury requires care beyond the capabilities of the clinic. Initial hospital treatment requires follow up examination at one of the MPN Clinics.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call

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in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Modified duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to the Personnel Bureau Supervisor the work restrictions and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to the Personnel Bureau Supervisor.

1022.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under this policy.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Report of Injury form shall be completed. The completed form shall be forwarded to the supervisor's Division Commander, through the chain of command.

When an accident, injury, or illness is reported initially on the Supervisor's Report of Injury form and the employee subsequently requires professional medical care, the Workers' Compensation Claim Form (DWC-1) shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury. The completed form shall be returned to the Personnel Bureau within 24 hours of the employer's notification of injury or illness.

The supervisor accepting an employee's report of injury or accident shall report the incident to the City Safety Officer at 826-5859 and to Workers' Compensation at 826-5918 or 826-5559 by the end of the supervisor's duty day.

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

1022.2.5 DIVISION COMMANDER RESPONSIBILITY

The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Personnel Bureau and filed in the employee's confidential medical file.

1022.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury form. This form shall be completed and signed by a supervisor.

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This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

1022.4 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1022.5 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, 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.

1022.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 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.

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Personal Appearance Standards

1023.1 PURPOSE AND SCOPE

In order to achieve uniformity and professionalism, employees shall maintain their personal hygiene and appearance in compliance with this policy.

1023.2 DRESS AND APPEARANCE POLICY

The Riverside Police Department is a professional organization. All employees will present a professional appearance by wearing attire appropriate to their job classification in order to promote a positive image to the public.

All civilian police employees shall abide by the City of Riverside's Human Resources Policy and Procedures Manual IV-2 CUSTOMER SERVICE STANDARDS FOR DRESS AND APPEARANCE.

Unless otherwise stated or where the Chief of Police, or his/her designee, has granted an exception, the following dress and appearance standards shall apply to all employees.

1023.3 UNIFORMS

Uniforms shall be clean, neat and in good repair. Uniforms shall be worn with shined shoes.

1023.4 PERSONAL CLEANLINESS

All employees shall keep themselves clean and in a presentable manner. Personal hygiene includes a regular bath/shower, use of deodorant and appropriate oral hygiene. Strong odors caused by perfumes, scented hair sprays, and aftershave lotions can be offensive and are to be used in moderation out of concern for the comfort of others.

1023.5 HAIR

All employee hairstyles shall be neat in appearance. Hair coloring shall be within the range of natural hair colors. The length, bulk or style of the hair shall neither present an unkempt, ragged or extreme appearance, nor endanger personnel or become a hindrance in the work environment.

For sworn male officers and uniformed male employees, hair must not extend below the top edge of the uniform collar. Hair may be of such length as to come in contact with the backside of the ear but shall not extend more than halfway over the ear. Hair length must not extend below the top of the eyebrow line.

For female uniformed employees, hair must be worn so as not to extend below the bottom of the uniform collar or the top of the eyebrow line.

Refer to approved exceptions to the grooming requirements outlined in the RPD Exceptions to The Uniform and Appearance Standards Policy.

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1023.6 FACIAL HAIR

Facial hair other than sideburns, mustaches, and eyebrows shall not be worn by sworn officers and uniformed employees unless the employee is granted an exemption from the Chief of Police for religious or medical reasons, as outlined in the Exceptions to The Uniform and Appearance Standards Policy.

1023.6.1 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1023.6.2 SIDEBURNS

Sideburns shall not extend below the bottom of the ear, and shall be trimmed and neat.

1023.7 FINGERNAILS

Fingernails shall be maintained at a reasonable length without deterring from a professional image or creating a safety hazard. Uniformed female personnel shall use a clear or relatively inconspicuous color, fingernail polish. Decals or jewelry attached to the fingernails are prohibited for uniformed personnel.

1023.8 JEWELRY

A maximum of two (2) finger rings and one (1) wrist watch may be worn by uniformed personnel while on duty, providing they pose no safety hazard. No bracelets, except medical bracelets and approved, religiously-mandated, bracelets are allowed to be worn by uniformed personnel. Necklaces that are not visible while in uniform may be worn. Uniformed female officers are authorized to wear post earrings.

All jewelry worn by employees must be appropriate so it does not detract from a professional appearance. The wearing of all facial piercing jewelry, such as nose piercing, tongue piercing, eyebrow piercing, lip piercing, or any other facial piercing jewelry is prohibited while on duty.

1023.9 TATTOOS AND BRANDINGS

A tattoo or branding that is obscene, profane, indecent, sexually explicit, or represents an extremist, oppressive, criminal, or gang-related organization, or is discriminatory to sex, race, color, ancestry, disability, medical condition, age, marital status, sexual orientation, religion, national origin, or any other protected classification is prohibited. While on-duty or representing the Department in any official capacity, all tattoos and brandings must be covered by the department uniform or other appropriate civilian attire while on-duty.

Exceptions:

- Tattoos "peeking" out of the short sleeve uniform shirt will be considered covered.
- Female employees are permitted to have tattooed eyeliner and lips of a coloring that is not extreme in appearance, and tattooed eyebrows of a coloring that is within the

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range of natural hair colors. The style and shape of the tattooed eyebrows, eyeliner and lips shall conform to that of naturally contoured eyebrows, eye line and lips.

1023.10 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:

- Tongue splitting or piercing.
- The complete or transdermal implantation of any material other than hair replacement.
- Abnormal shaping or piercing of the ears, eyes, nose, teeth or tongue.
- Branding or scarification.

Exception: Female employees are permitted to pierce earlobes as necessary to wear earrings.

1023.11 TEETH

Personnel are not allowed to use gold, platinum, or other veneers or caps on their teeth for the purposes of ornamentation unless prescribed by a dentist as necessary dental work. Teeth, whether natural, capped, or veneer, will not be decorated with designs, jewels, initials, etc.

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Uniform Regulations

1024.1 PURPOSE AND SCOPE

The uniform policy of the Riverside Police Department is established to ensure that uniformed personnel will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

- Department Owned and Personal Property
- Body Armor
- Employee Commendations
- Personal Appearance Standards
- Exceptions to the Uniform and Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Support Services Captain or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Riverside Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency as deemed necessary.

1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All sworn officers and uniformed civilian personnel of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

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(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform which is identifiable to the Riverside Police Department.

(j) Uniformed Employees who are permitted to wear civilian attire during their duty hours shall adhere to the City of Riverside "Customer Service Standards for Dress and Appearance Policy" found in Human Resources Policy & Procedures Manual IV-2. This provision shall not apply to personnel assigned to the Special Investigations Bureau or otherwise working in an undercover capacity. Other exceptions may be authorized at the discretion of the Chief of Police.

(k) Visible jewelry, other than authorized by this policy, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his designee. Authorized items include; wrist watches, wedding rings, and medical alert bracelets.

1024.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall possess their department issued identification.

(b) Officers working specialized assignments may be excused from the possession requirements when directed by their Division Commander.

1024.3 UNIFORM CLASSES

1024.3.1 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 and uniformed civilian personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie

(b) Polished shoes or boots made of black leather Corfam, Cordua, Gortex or similar type product with a smooth finish, and plain rounded toe. Soles are not to be more than 3/4 inch thick, heels not to be more than 1-1/2 inches thick. Black leather, plain toe military or Wellington style boots are acceptable. Green or brown fatigue military style boots are not authorized.

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1024.3.2 CLASS B UNIFORM

All officers and uniformed civilian personnel 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 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 or boots for the Class B uniform may be as described in the Class A uniform

(e) Approved all black unpolished shoes may be worn

(f) Black leather tennis shoes or similar style sport tennis shoes are not acceptable unless authorized by special assignment (i.e. Bike Unit)

1024.3.3 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms and equipment to be worn by sworn officers and uniformed civilian personnel in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers, Air Support, Property Room, Evidence Unit, and other specialized assignments.

1024.3.4 FOUL WEATHER GEAR

Officers may wear the department issued uniform jacket and rain gear.

During inclement weather, supervisors may authorize the wearing of the following optional uniform items, which shall be procured at the employee's own expense:

(a) **Duty Baseball Cap**:

1. **Option 1**: Black baseball cap, made of a wool, polyester, cotton, or similar material, that is all inclusive. The brim shall be three inches deep and seven and one-half inches wide. A scaled version of the Riverside Police shoulder patch (approximately 3 1/2 inch X 2 3/4 inch) shall be sewn to the front of the crown. The cap shall only be worn with the brim facing forward, and the brim shall not be creased or otherwise altered from its manufactured shape.

2. **Option 2** : Black baseball cap, made of a wool, polyester, cotton, or similar material, that is all inclusive. The brim shall be three inches deep and seven and one-half inches wide. The word “Police” in 1 1/2 inch gold lettering shall be sewn to the front of the crown. The cap shall only be worn with the brim facing forward, and the brim shall not be creased or otherwise altered from its manufactured shape.

(b) **Knit Beanie**: All black, cuff-style, knit beanie cap, made of wool, acrylic, or similar material. The word "Police" in 1 1/4 inch gold lettering shall be sewn to the front of the cuff.

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1024.3.5 DEPARTMENT ISSUED LEATHER EQUIPMENT

All uniformed personnel who perform field duties will be issued a set of black, basket-weave leather equipment for uniform duty use, including:

(a) Sam / Sally Browne belt

(b) Inner Belt

(c) Keepers

(d) Chemical Agent Holder

(e) HT Holder

(f) Flashlight Holder

Additionally, sworn personnel shall be issued the following:

(a) Holster

(b) Magazine Pouch

(c) Handcuff Case

(d) Baton Ring

(e) Recorder Holder

Uniformed personnel are required to maintain issued leather gear in presentable condition. All leather equipment shall be kept dyed and shined, and replaced when cracked, checked, or otherwise worn out.

1024.4 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. 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 last name of the employee shall appear on the name tag. A first initial or name may precede the employee's last name as an option. In the case of duplicate names, the first initial will precede the Officer's last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket. Personnel may be authorized to utilize a department-approved nametag that has the officer’s department four (4) digit identification number instead of their name. This alternate identification tag is intended to be used during protests

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or other special events, must be approved by the Incident Commander for that specific event, and should generally not be used in normal, day-to-day operations.

(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) Uniform Insignias - Police Medal citation ribbons, performance award pins, assignment insignias may be worn as designated by this policy or as directed 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. Detectives, Sergeants, and Field Training Officers will wear cloth patch chevrons sewn 1/2 inch below the department shoulder patches on the long sleeve and short sleeve uniform shirts, as well as uniform jackets. The chevrons shall be blue in color with gold trim. The insignia shall be sewn on the sleeve with a matching thread and with professional skill. Sergeants shall be distinguished by a chevron consisting of three stripes in shape of an inverted V. Detectives shall be distinguished by a chevron consisting of two stripes in the shape of an inverted V with an attached stripe below in the shape of a rocker. Field Training Officers shall be distinguished by a chevron consisting of two stripes in the shape of an inverted V, commonly referred to as corporal stripes. Field Training Officers shall be permitted to wear the rank insignia only so long as they are actively assigned to the FTO program. They shall remove them from their uniforms when they leave the FTO program or the Field Operations Division.

1024.4.1 POLICE MEDAL CITATION RIBBONS

Uniformed employees may wear Police Medal citation ribbons affixed to either the Class A or Class B uniform. If a single citation ribbon is worn, it is to be affixed to the uniform shirt, centered and above the left side breast pocket bellow the badge. If multiple ribbons are worn, they are to be affixed to the uniform shirt as illustrated in this policy. Police Medal citation ribbons are limited to the following:

(a) **Medal of Valor** – Ribbon is blue and white with a gold border. It is made primarily of metal and enamel with approximate dimensions of 1-7/16” x 3/8”.

(b) **Purple Heart** - Ribbon is purple and white with a gold border. It is made primarily of metal and enamel with approximate dimensions of 1-7/16” x 3/8”.

(c) **Police Medal** - Ribbon is yellow with a gold border. It is made primarily of metal and enamel with approximate dimensions of 1-7/16” x 3/8”.

(d) **Lifesaving Medal** - Ribbon is red, white and blue with a gold border. It is made primarily of metal and enamel with approximate dimensions of 1-7/16” x 3/8”.

(e) **Distinguished Service** - Ribbon is white with a gold border. It is made primarily of metal and enamel with approximate dimensions of 1-7/16” x 3/8”.

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(f) **Kinkead Medal of Service** - Ribbon is red and white with a gold border. It is made primarily of metal and enamel with approximate dimensions of 1-7/16” x 3/8”.

(g) **RPOA Exceptional Service Award** - Ribbon is blue and gold with a gold border. It is made primarily of metal and enamel with approximate dimensions of 1-7/16” x 3/8”.

(h) **Other Organization Award** - Ribbon is blue with a gold border. It is made primarily of metal and enamel with dimensions of 1-7/16” x 3/8".

See attachment: Police Medal Citation Ribbons Layout.pdf

1024.4.2 PERFORMANCE AWARD PINS

Uniformed employees may wear Performance Award pins affixed to the Class B uniform only. Only one Performance Award pin may be worn at any given time and must be affixed to the uniform shirt centered on the right side breast pocket flap below the nameplate. Performance Award pins are limited to the following:

1. **Firearms Seizure Award Pin** – Pin is the standard pin issued by the Riverside Police Department's Patrol Operations Division to officers who seize a specific amount of firearms throughout the calendar year. Pins are oval with approximate dimensions of 25mm x 17mm and are made primarily of metal and enamel. There are four colored pins, red, white, blue and black. Only one such pin may be affixed at any given time.

   Firearm-Pin Awards:

   1st Award-4 firearm arrest/seizure (RED)

   2nd Award-6 firearm arrest/seizure (WHITE)

   3rd Award-8 firearm arrest/seizure (BLUE)

   4th Award-12 firearm arrest/seizure (BLACK)

2. **CHP/AAA Stolen Vehicle Recovery Award Pin** – Pin is the standard pin issued by the California Highway Patrol and Automobile Club of Southern California. The pins may vary slightly in size and design, but the pin may never exceed 1-1/4” x 1-1/4”.

3. **MADD DUI Enforcement Award Pin** - Pin is the standard pin issued by Mothers Against Drunk Driving. The pins may vary slightly in size and design, but the pin may never exceed 1-1/4” x 1-1/4”.

4. **Cal-ID Hit Award Pin** - Pin is the standard pin issued by the Riverside County Sheriff’s Department and Cal-ID. The pins may vary slightly in size and design, but the pin may never exceed 1-1/4” x 1-1/4”.

1024.4.3 SPECIAL ASSIGNMENT INSIGNIA

Uniformed employees may wear special assignment/collateral duty pins or insignia affixed to the Class A, Class B or special assignment uniform. The special assignment/collateral duty pin or insignia may only be worn while the employee is a current and active member of such assignment. Special assignment/collateral duty pins or insignia are limited to the following:

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(a) **Aviation -** Employees assigned to the Aviation Bureau and holding the rank of Police Pilot may wear Navy air crew wings affixed to the Class A or Class B uniform. The insignia is gold metal with an approximate 5/16" miniature Riverside Police badge and wings extending horizontally from each side of the badge. The overall length of the insignia in approximately 2-2/3". The insignia must be worn on the right breast of the uniform shirt centered above the nameplate.

All employees assigned to the Aviation Bureau may wear the appropriate Pilot or Tactical Flight Officer wings affixed to their assignment patrol uniform (flight suit). The wings are to be either affixed to or printed upon the flight suit name-badge.

(b) **K9 -** Employees assigned to the K9 unit as a K9 handler may wear a K9 pin affixed to the Class A, Class B and assignment uniform. The pin must be worn on the right side breast centered above the nameplate. The pin is to be gold metal "K9" with approximate dimensions of 1/2" x 7/8".

(c) **SWAT -** Employees assigned to the SWAT Team either as their primary assignment (METRO – Red Team) or collaterally (White/Blue team, Sniper Team, Emergency Negotiations Team) may wear the associated insignia as designated by this policy.

SWAT Red/White/Blue and Sniper Teams – A SWAT pin may be affixed to the Class A, Class B or assignment uniform. The pin must be worn on the right side breast centered above the nameplate with the olive drab side facing to the left. The pin is to be made primarily of metal and enamel, is black and olive drab with a gold border, with approximate dimensions of 1-7/16" x 3/8".

Emergency Negotiations Team –An Emergency Negotiations pin may be affixed to the Class A, Class B or assignment uniform. The pin must be worn on the right side breast centered above the nameplate. The pin is to be made primarily of metal and enamel, olive drab with a gold border, with approximate dimensions of 1-7/16" x 3/8".

(d) **Technical Services Unit -** Employees assigned to the Technical Services Unit and who have successfully graduated the Federal Bureau of Investigations Hazardous Devices School may wear the Public Safety Bomb Technician "Bomb Crab" pin affixed to the Class A, Class B and assignment uniform. The pin must be worn on the right side breast centered above the nameplate. The pin is to be gold metal with approximate dimensions of 1-7/8" x 1".

(e) **University Neighborhood Enhancement Team -** Employees assigned to the University Neighborhood Enhancement Team may wear a "UNET" pin affixed to the Class A, Class B and assignment uniform. The pin must be worn on the right side breast centered above the nameplate. The pin is to be the standard pin issued by the University of California Riverside with dimensions not exceeding 1-1/4" x 1-1/4".

1024.4.4 SPECIAL INSIGNIA

Any special insignia (i.e. Breast cancer awareness pin, ribbon or patch etc.) may be worn by uniformed employees at the direction of the Chief of Police.

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1024.5 MOURNING BADGE

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The bands shall be worn as directed by the Chief of Police.

1024.6 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed sandals or thongs
3. Swimsuit, tube tops, or halter-tops
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 Riverside Police Department or the morale of the employees.

1024.7 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Riverside Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Riverside Police Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

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(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1024.8 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 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 in accodance with the Department Owned and Personal Property Policy.

1024.8.1 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 Riverside 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 word "Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Riverside Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1024.9 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Riverside 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.

Riverside Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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1024.10 SECTION TITLE

1024.11 SECTION TITLE

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Exceptions to The Uniform and Appearance Standards

1025.1 PURPOSE AND SCOPE

The Riverside Police Department is an equal opportunity employer, and does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business. Accordingly, the Riverside Police Department is committed to working with unique needs due to medical condition or religious faith by extending consideration for reasonable accomodations on a case-by-case basis for exemptions from the department's Uniform and Appearance policies.

1025.2 DEFINITIONS

The following terms shall have the meanings designated:

Medical Necessity: A deviation from the Uniform or Appearance Policy which is necessary due to a documented medical condition, prescribed by a physician, and which may be reasonably accommodated within the course and scope of the employee's normal job duties.

Articles of Faith: Head covers, clothing, jewelry, objects, symbols, and other items of religious significance.

Religious Grooming Customs: Deviations from the Appearance Policy which are mandated by the employee's religious faith and may be reasonably accommodated within the course and scope of the employee's normal job duties.

1025.3 REGULATIONS

(a) Employees shall adhere to the requirements regarding uniform and appearance as outlined in RPD Policies 1045 Personal Appearance Standards and 1046 Uniform Regulations.

(b) Employees may request authorization from the Chief of Police or his/her designee for exemptions from the Personal Appearance and Uniform Regulations Policies in order to accommodate Medical Necessities, Religious Grooming Customs, or wearing of Articles of Faith.

(c) The Chief of Police or his/her designee shall make a determination regarding all requests for exemptions to the Personal Appearance and Uniform Regulations Policies on a case-by-case basis, taking into account any potential safety issues and/or operational concerns that the exemption may present to the employee or to the public.

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(d) Employees who are approved for an exemption to wear an article of faith in addition to or in place of the required uniform shall bear all costs associated with procuring and maintaining the article of faith.

(e) Articles of faith that are approved by the Chief of Police are outlined in this policy.

1025.4 RELIGIOUS EXEMPTIONS TO UNIFORM AND APPEARANCE STANDARDS

(a) Religious Head Covers for Members of the Sikh Faith

1. Employees of the Sikh faith may wear a turban exclusively, at all times, unless otherwise directed or not permissible due to their assigned duty (e.g., when wearing a riot helmet). NOTE: In instances where a Sikh member is required to wear a riot helmet, he/she may wear a smaller "under-turban" underneath the appropriate helmet.

2. Employees who wear Sikh turbans shall ensure:

   (a) The turbans fit snugly on the head so that the top peak of the turban is facing in the front. The Riverside Police cap plate/badge, normally worn on the hat, shall be pinned to the Sikh turban, centered on the front of the turban.

   (b) The turbans are of the same color as the hat corresponding to Riverside Police uniform requirements.

3. Members who wear Sikh Turbans may wear their turban at all times, including administrative proceedings and while appearing in court, subject to court policy and procedure.

(b) Articles of Faith for Sikh Employees

   (a) Employees of the Sikh faith may wear a Kara (i.e., steel bracelet) as long as the Kara does not interfere with the ability of the employee to perform his/her duties.

   (b) Employees of the Sikh faith who carry a Kirpan (i.e., religious sword) shall ensure the Kirpan:

      (a) Is worn in a cloth holster (i.e., "Gatra") under the uniform shirt.

      (b) Has a blade length no longer than three (3) inches.

(c) Appearance Requirements for employees of the Sikh Faith

1. Employees of the Sikh faith who wear a turban shall groom their hair on their heads and tie it in a top-knot/bun secured under their turbans.

2. Male employees of the Sikh faith shall:

   (a) Groom their beards and tie their beards in an knot that is tucked and held in place under the chin in a neat and clean manner.

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(b) Groom their mustaches in a neat and clean manner.

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Police Cadets

1026.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in preparation for a career in law enforcement. However, employment as a Cadet does not guarantee selection as a PoliceTrainee or a full time Police Department employee.

1026.2 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 in an accredited college or university with major course work in Police Science, Administration of Justice, or closely related field.

1026.3 PROGRAM COORDINATOR

The Training Bureau Lieutenant will serve as the Program Coordinator. The Training Bureau Lieutenant or their designee will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments,status for compensation, school attendance and performance evaluations.

1026.4 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 Riverside Police Department Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. All training will focus on improving job performance, as well as preparation to become police officers.

1026.5 CADET UNIFORMS

Each cadet will be provided two uniforms meeting the specifications described in Policy Section 1046.

1026.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis in compliance with the Riverside Police Department Cadet Manual to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Training Bureau Lieutenant.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility.

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1026.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

1026.8 PERFORMANCE EVALUATIONS

Police Cadets shall be the only part-time employees to be rated. Cadets shall be rated every three months with the 2nd and 3rd probationary rating six months apart.

1026.9 EMERGENCY VEHICLE OPERATION

Cadets shall not drive marked or unmarked police vehicles without the prior approval of the Watch Commander. Cadets are prohibited from responding to calls for service Code-3 (Emergency lights and sirens).

1026.10 FIREARMS

Cadets shall not be in possession of any firearm or deadly weapon unless under the direct supervision of the Range Master.

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Nepotism and Conflicting Relationships

1027.1 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.

1027.1.1 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.

1027.2 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) No supervisory or management personnel shall routinely directly supervise, or have direct control over, any relative within the third degree by blood or marriage or person with whom the supervisor has a romantic, or intimate interpersonal, or private business, relationship. Relatives shall not include persons who fall into the categories

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as outlined in the City of Riverside, Human Resources Policy and Procedures Manual, Section I-6.

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.

1027.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

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.

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1027.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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Department Badges

1028.1 PURPOSE AND SCOPE

The Riverside Police Department badge and uniform patch as well as the likeness of these items and the name of the Riverside Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1028.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental 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.

1028.2.1 FLAT BADGE

Sworn officers may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Riverside Police Department.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

1028.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1028.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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1028.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and certain civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

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Temporary and Permanent Modified-Duty Assignments

1029.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary and permanent 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.

1029.2 POLICY

Subject to operational considerations, the Riverside Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. In rare instances, the Chief of Police may authorize permanent modified-duty assignments for employees who have suffered a violent attack, at the hands of another, resulting in serious bodily injury, causing permanent work limitations or restrictions.

1029.3 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.

Temporary or permanent modified-duty assignments are not an employee right, but rather a management prerogative. The availability of temporary or permanent modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary and permanent 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 his/her designee, may restrict employees working in temporary or permanent modified-duty assignment from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited 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.

The Chief of Police may approve a permanent modified-duty assignment to sworn police employees who have suffered a violent attack, at the hands of another, resulting in serious bodily injury. Such work accommodation must be suitable to their restrictions and the employee must be able to maintain a satisfactory level of work performance.

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The following shall apply to this section:

(a) "Serious bodily injury" means bodily injury that involves (1) a substantial risk of death; (2) extreme physical pain; (3) protracted and obvious disfigurement; or (4) protracted loss or impairment of the function of a body part, organ, or mental faculty.

(b) "Serious bodily injury" shall be defined as consequences of an injury that permanently prevent an officer from their normal work duties as described in the Police Officer Essential Job Analysis. Such an injury must have been incurred during official duty, through the direct result of the actions of another.

(c) Permanent modified-duty assignments shall only be granted to sworn police officers.

(d) Police officers granted a permanent modified-duty assignment will not be allowed to test for promotion within the sworn ranks the police department.

1029.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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 Bureau 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.

1029.4.1 MODIFIED-DUTY SCHEDULES

The schedules for sworn employees assigned to modified duty will be adjusted to a 4-10 schedule with weekends off, 0700 - 1700 hours. Civilian employees will be assigned based on their work restriction, assignment, shift and the needs of the department.

Sworn employees who have been accommodated with a modified-duty schedule, for a non-work-related injury/illness, will not be eligible for shift differential pay until their return to full duty.

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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.

Employees are expected to schedule and attend doctor appointments during their modified duty hours. Medical appointments will not be compensated by overtime.

1029.5 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.

1029.5.1 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.

1029.5.2 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.

(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.

1029.5.3 PERSONNEL SERGEANT RESPONSIBILITIES

The Personnel Bureau Sergeant shall coordinate efforts to ensure proper time accountability for each modified-duty employee.

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(a) Employees on modified-duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify the Personnel Bureau 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 the Personnel Bureau supervisor no less than once every 30 days while the employee is on modified-duty.

(c) The Personnel Bureau Sergeant shall keep the Division Commander apprised of the employee's status. Modified-duty assignments that extend beyond 60 days will require a status report and a request for an extension to the Personnel Bureau Lieutenant with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police through the Support Services Commander.

(d) When it is determined that an employee on modified-duty will return to regular duty, the supervisor shall notify the Division Commander and update Telestaff. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1029.6 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.

1029.7 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.

1029.7.1 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.

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1029.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment wherein the employee is not performing duties related to his/her current assignment, or who are off work for either a work-related or off-duty injury where the employee is absent from duty for twenty or more consecutive work days, shall have their probation extended by a period of time equal to the employee's assignment to modified duty or consecutive work days missed, in accordance with the City of Riverside Human Resources Policy and Procedure Manual I-5.

1029.9 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.

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Employee Speech, Expression and Social Networking

1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1030.1.1 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.

1030.2 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 Riverside 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.

1030.3 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 Riverside Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates.

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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.

1030.4 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 Riverside Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Riverside Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Riverside Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. 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 glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Riverside 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 Riverside Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

When an employee becomes aware of 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), that employee shall take reasonable and prompt action to remove the violative content.

1030.4.1 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 Riverside Police Department or identify themselves in any way that could be reasonably perceived as representing the Riverside 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.

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).

1030.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for official purposes any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

As used in Labor Code § 980, "social media" means an electronic service or account, or electronic content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or Internet Web site profiles or locations.

The Department shall not require or request an employee or applicant for employment to do any of the following:

(1) Disclose a username or password for the purpose of accessing personal social media.

(2) Access personal social media in the presence of the employer.

(3) Divulge any personal social media, except as provided below.

Nothing in this section shall affect the Department’s existing rights and obligations to request an employee to divulge personal social media reasonably believed to be relevant to an investigation of allegations of employee misconduct or employee violation of applicable laws and regulations, provided that the social media is used solely for purposes of that investigation or a related proceeding.

Nothing in this section precludes the Department from requiring or requesting an employee to disclose a username, password, or other method for the purpose of accessing a Department-issued electronic device.

The Department shall not discharge, discipline, threaten to discharge or discipline, or otherwise retaliate against an employee or applicant for not complying with a request or demand that violates

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this section. However, this section does not prohibit the Department from terminating or otherwise taking an adverse action against an employee or applicant if otherwise permitted by law.

1030.6 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.

1030.7 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.

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Attachments

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Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

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Reward Claim Form_Page_1.jpg

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Sick Leave Memo 2 - Medical Certificate.pdf

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MEMO

Police Department

DATE: 5/5/2021

TO: OFFICER _____

FROM: Captain _____

CC: Sergeant_____; Lieutenant _____

RE: SICK LEAVE USE – MEDICAL CERTIFICATE REQUIREMENT

A review of your attendance has revealed good cause for the following:

Until further notice, upon returning to work following any personal non-statutorily protected sick leave you are directed to provide a medical certificate signed by a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician or their authorized representative. The certificate must state the date(s) of the illness and that the illness prevented you from being able to come to work. If the absence is due to the illness of a family member the certificate must state that your presence was necessary to care for the family member.

You should provide the certificate to your supervisor upon returning to work. Failure to provide a satisfactory medical certificate prior to the end of the pay period will be considered insubordination and your time off will be considered absent without pay (AWOP). Unexcused absences can result in discipline, up to and including termination. This directive does not apply to statutorily protected leave such as Family and Medical Leave Act (FMLA).

I urge you to address any medical issues with a health care professional. Should you have other well-being issues, as a reminder the Riverside Police Department has an agreement with the Counseling Team International to provide free, confidential Employee Support Services (ESS). Research can be found at www.thecounselingteam.com and appointments can be made at 1-800-222-9691.

Your attendance will be reviewed in approximately 90 days to determine whether removal of this directive is appropriate.

I acknowledge receipt of this memorandum.

x_____ _____

Signature Date

Original: Employee Copy: Divisional File

Notification Matrix.jpg

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RIVERSIDE POLICE DEPARTMENT

CRITICAL INCIDENT NOTIFICATION MATRIX

Procedures: Locate incident on left column. Refer to guide for number assignment of person responsible for notifying key personnel. Example: On an OIS the City Attorney would be notified by 7 - Investigations Lieutenant. ***(If unable to notify required personnel, notify next person upward in the chain of command).***	Watch Commander	Affected Area Commander	Communications Bureau Manager	On-call Inv Sgt. or CIB Lt.	SWAT/Hostage Negotiations	Trfc. Lt./MAIT Team	Public Information Officer	Affected Division Commander	Internal Affairs	City Attorney	Special Investigations Lt./Sgt.	Support Services Capt. or Personnel Lt.	Coroner	Psychologist	Peer Support	TSU Personnel	Intelligence	On-call Deputy D.A.	Aviation	City Safety Officer	Human Resources	DC Operations & Admin	Assistant Chief of Police	Chief of Police	Council - City Manager	Initiate ICS, notify EOC Mngr.
Natural/Man-Made Occurrence - Max/Heavy commitment of City Resources (disaster)	11	4	12				5	5		5			5	5	5				5			5	3	2	1	5
Impending event that may require Max/Heavy commitment of City Resources	11	4	12				5	5		5							5		5			4	3	2	1	5
On-duty death of Police Department employee	11	4	12	5			7/5	5	5	7		8	10/7	7/5	7/5			7		9	9	4	3	2	1	5
Off-duty death of Police department employee	14/11	4	12	5			5-7	5	4	7		8	10/7	7/5	7/5			7			9	4	3	2	1	
Employee caused homicide, death or critical injury of any person	14/11	4	12	5			7/5	5	5	7		8	10/7	7	7			7				4	3	2	1	
Officer involved fatal accident or critical injury	14/11	4	12			5	13/5	5	13/10	13		8	13/10	13	13			13		9		4	3	2	1	
Arrest, detention, or implication of criminal conduct of a peace officer, City employee or VIP	14/11/7	4		8/5			2	5	5	8		8						7				8/7/4	3	2	1	
On-duty hospitalized injury of Police employee	14/11	4	12					5	5	5		5		9	9					5		4	3	2	1	
Off-duty hospitalized injury of Police employee	14/11	4	12					5				5			9							4	3	2	1	
Officer involved shooting, on or off duty, with or without injury	14/11	4	12	5			5/7	5	5	7		8		5/7	5/7			7				5	3	2	1	
Serious crime or significant incident at a park or school	14/11	5		5			5	6														4	4	2	1	
Serious City liability incidents (traffic accidents, personal injury, property damage)	14/11	4				5	5	5	5	5				5	5					5		4	3	2	1	
Barricaded armed suspect, sniper, or hostage situation	14/11	5		5	5		5/7	6	7	7				5/7	5/7	5		7	5			4	3	2	1	
High Risk Search/Arrest Warrant	10	10	10		10		7	10											10			4	3	2		
Events that may cause major media focus on the City or Department	14/11	5					4	6	5	3												4	3	2	1	
Explosive device found	14/11	5	12	5			5	6								5		7	5			4	3	2	1	
Union activities with violence or a potential for violence	14/11	5	12		5		5	6		5	5					5	5	7	5			4	3	2	1	
Communications failure	12		12				5	5														5	3	2	1	
Homicide	14/11	5		5			5/7						10/7					7								
All in-custody deaths, critical injury	14/11	4		5			7	5	5	7		8	10/7	5/7	5/7			7				4	3	2	1	
Critical missing-juvenile or foul play suspected	14/11	5	5	5			5/7	6											5			4	3	2	1	
Drug lab	11/10	5					5/7	6			10/5					7		7	10/7	5		4	3	2	1	
Any drug investigation leading to significant seizures of drugs or money	11/10	5					10	10			10/5							10				4	3	2	1	
On-duty intoxication or illness requiring hospitalization	11							5	5	8		8			9							8	3	2	1	

1=Chief; 2=Asst. Chief; 3=Dep. Chief; 4=Affected Division Commander; 5=Watch Commander; 6=Affected Area Commander; 7=Inv. Lt.; 8=IA Lt.; 9=Pers. Lt.; 10=Inv. Sgt.; 11=Field Sgt.; 12=Supervising PSD; 13=Trfc Lt.;14=Involved Employee (Version 111110)

Statutes and Legal Requirements.pdf

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truth_act_form_2.pdf

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Solicito recibir este formulario en español. / I request to receive this form in Spanish.

- ❑ 請寄來中文表格。/ I request to receive this form in Chinese.
- ❑ Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- ❑ Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- ❑ 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Date:_____

RE: Immigration and Customs Enforcement Request

Dear _____:
Name

The purpose of this letter is to inform you that Immigration and Customs Enforcement ("ICE") has requested that we:

____ Hold you for up to 48 hours after your release from criminal custody to allow ICE time to take you into immigration detention. (I-247 or I-247D)

____ Notify ICE of your release date, so that ICE may detain you. (I-247N)

____ Transfer you into immigration detention. (I-247X or other request)

Under the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, we are required to provide you with a copy of ICE's request and inform you whether we intend to comply with the request. A copy of the request is attached.

We ____DO/____DO NOT intend to comply with ICE's request.
(check one)

You will promptly receive a separate letter if we notify ICE of your release date. **We are required to notify both you and your attorney or another person that you choose if we notify ICE of your release. Please provide contact information, including phone number and/or email, for your attorney or another person that you choose on the next page.**

Please contact _____ if you have any questions or concerns.
Name of Officer & Contact Information

Sincerely,

[Signature]
[Title]

FOR LAW ENFORCEMENT PERSONNEL:

Served by : _____ID #:_____ Date: _____

Name of Detained Individual: _____

Attorney or Designee (choose one): _____

Name of Attorney or Designee: _____

Email for Attorney or Designee: _____

Phone Number for Attorney or Designee: _____

Sick Leave Memo 3(a) - Medical Certificate (Continuation).pdf

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MEMO

Police Department

DATE: 5/5/2021

TO: OFFICER _____

FROM: Captain _____

CC: Sergeant_____; Lieutenant _____

RE: CONTINUATION OF SICK LEAVE USE MEDICAL CERTIFICATE REQUIREMENT

On (____DATE____) you were directed to provide medical certification for any non-statutorily protected sick leave usage. A review of your sick leave usage has not reflected improvement; therefore, the directive is continued.

Upon returning to work following any personal sick leave you are directed to provide a medical certificate signed by a physician, dentist, or other legally authorized person to provide health care services on the same level as a physician or their authorized representative. The certificate must state the date(s) of the illness and that the illness prevented you from being able to come to work. If the absence is due to the illness of a family member the certificate must state that your presence was necessary to care for the family member.

You should provide the certificate to your supervisor upon returning to work. Failure to provide a satisfactory medical certificate prior to the end of the pay period will be considered insubordination and your time off will be considered absent without pay (AWOP). Unexcused absences can result in discipline, up to and including termination. This directive does not apply to statutorily protected leave such as Family and Medical Leave Act (FMLA).

I urge you to address any medical issues with a health care professional. Should you have other well-being issues, as a reminder the Riverside Police Department has an agreement with the Counseling Team International to provide free, confidential Employee Support Services (ESS). Research can be found at www.thecounselingteam.com and appointments can be made at 1-800-222-9691.

Your attendance will be reviewed in approximately 90 days to determine whether removal of this directive is appropriate.

I acknowledge receipt of this memorandum.

x_____ _____

Signature Date

Original: Employee Copy: Divisional File

RPD Firearms Matrix (2021).pdf

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Sick Leave Memo 1 - Warning.pdf

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MEMO

Police Department

DATE: 5/5/2021

TO: OFFICER _____

FROM: Sergeant _____

CC: Lieutenant _____; Captain _____

RE: SICK LEAVE USE

As of (_____AUDIT INFO_____).

I am concerned with your well-being but am also concerned with the operation of the Department. Poor attendance affects morale and impacts the fair distribution of the workload necessary to safely and effectively deliver public safety services in the City of Riverside.

Your use of sick leave is brought to your attention to illustrate your attendance problem, as absenteeism at this rate cannot continue. I urge you to address any medical issues with a health care professional. Should you have other well-being issues, as a reminder the Riverside Police Department has an agreement with the Counseling Team International to provide free, confidential Employee Support Services (ESS). Research can be found at www.thecounselingteam.com and appointments can be made at 1-800-222-9691.

I acknowledge receipt of this memorandum.

x_____ _____

Signature Date

Original: Employee Copy: Divisional File

Citation Dismissal Form.jpg

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RIVERSIDE POLICE DEPARTMENT

REQUEST FOR DISMISSAL OF CITATION

☐ **PARKING** (PUBLIC WORKS)

☐ **TRAFFIC** (COURT / PROSECUTING ATTORNEY)

☐ **NON-TRAFFIC** (COURT / PROSECUTING ATTORNEY)

CITATION NUMBER: _____

DATE ISSUED: _____

ISSUED TO: _____

VIOLATION: _____

REASON FOR REQUEST:

☐ MISTAKE OF FACT

☐ ERROR ON CITATION

☐ INTEREST OF JUSTICE

COMMENTS / EXPLANATIONS:

PERSON REQUESTING_____ DATE:_____

SUPERVISOR _____ DATE :_____

BUREAU COMMANDER _____ DATE:_____

DISTRIBUTION:

COURT / PROSECUTING ATTORNEY
CHIEF'S OFFICE
RECORDS BUREAU
ISSUING / ARRESTING OFFICER

Form No. 7600.200

truth_act_form_3.pdf

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- ❑ Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- ❑ 請寄來中文表格。/ I request to receive this form in Chinese.
- ❑ Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- ❑ Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- ❑ 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Date:_____

RE: Immigration and Customs Enforcement Notified of Your Release

Dear _____:
Name of Inmate

Under the Transparent Review of Unjust Transfers and Holds ("TRUTH") Act, we are required to notify you and your attorney or another person that you choose in writing if we inform Immigration and Customs Enforcement ("ICE") of your release.

The purpose of this letter is to inform you that on _____at _____, we
Date of notice to ICE Time of notice to ICE

notified ICE that you are scheduled to be released on _____ at _____. We
Date of release Time of release

have provided this same information to your ____attorney /_____designee:
(check one)

_____ at _____.
Name of attorney or designee (see Form 2) Email and/or Phone Number

Please contact _____if you have any questions or concerns.
Name of officer & Contact Information

Sincerely,

[Name]
[Title]

CC: _____
Name of attorney or designee

FOR LAW ENFORCEMENT PERSONNEL:

Served by : _____ID #:_____ Date: _____

Sick Leave Memo 3(b) - Medical Certificate (Removal).pdf

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MEMO

Police Department

DATE: 5/5/2021

TO: OFFICER _____

FROM: Captain _____

CC: Sergeant_____; Lieutenant _____

RE: REMOVAL OF SICK LEAVE USE MEDICAL CERTIFICATE REQUIREMENT

On (____DATE____) you were directed to provide medical certification for any non-statutorily protected sick leave usage. A review of your sick leave usage reflected improvement; therefore, the directive is removed. Congratulations on your conscientious effort. Should you have problems in the future I urge you to address them with a health care professional. Should you have other well-being issues, as a reminder the Riverside Police Department has an agreement with the Counseling Team International to provide free, confidential Employee Support Services (ESS). Research can be found at www.thecounselingteam.com and appointments can be made at 1-800-222-9691.

I acknowledge receipt of this memorandum.

x_____ _____

Signature Date

Original: Employee Copy: Divisional File

Request for Postponement of Traffic Court_Page_1.jpg

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LAW ENFORCEMENT AGENCY (Name and Address):	FOR COURT USE ONLY
Telephone No.: Fax No.: E-Mail Address: Badge/ID#:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE Address: City: State: CA Zip:	
LAW ENFORCEMENT OFFICER'S REQUEST FOR POSTPONEMENT OF TRAFFIC COURT TRIAL	**Citation Number / Case Number**

Instructions to Law Enforcement Officer: This Request for Postponement of Traffic Court Trial form must be filed at least **15 COURT DAYS** prior to the court trial hearing date. If this request is not filed timely, it may be denied. A copy of this Request for Postponement form must be served on the defendant to notify them of your request, and the Declaration of Service on the reverse of this form must be completed or the request will be denied. If you've provided the Court an email address, you will be notified of the Court's decision via email.

The undersigned hereby declares that they are unable to appear at the scheduled Traffic Court Trial on _____ for the following reason:

_____

_____

_____

My preferred date, for the Traffic Court Trial in this matter is_____ .

Date(s) I am unavailable are:_____ .

Note: Court trials are set at specific times, and on specific days of the week, depending on several factors. Although the Court will consider your request for a preferred date, that date may not be available, and the trial may have to be postponed to a date you have indicated you are unavailable.

I declare, under penalty of perjury, under the Laws of the State of California, that the above representations are true and correct.

Date:_____ Signature: _____

Instructions to Defendant: If you were mailed this form, the Law Enforcement Officer who issued your citation has requested a postponement of the trial in your case. If you object to this postponement you have **5 COURT DAYS** from the date of service to file an objection with the Court. If you fail to do so, the Court will make a decision on the request for postponement without your input. The Objection to Postponement of Traffic Court Trial form (#RI-TR03) can be found on the Court's website under Fees & Forms (www.riverside.courts.ca.gov). If you do not wish to object, then there is no need to file anything with the Court. The Court will notify you of the new court date.

8102 WIC Weapon Seizure Notification Tue Nov 15 2011 08-38-47.662.jpg

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Hate Crime Checklist.pdf

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Police Medal Citation Ribbons Layout.pdf

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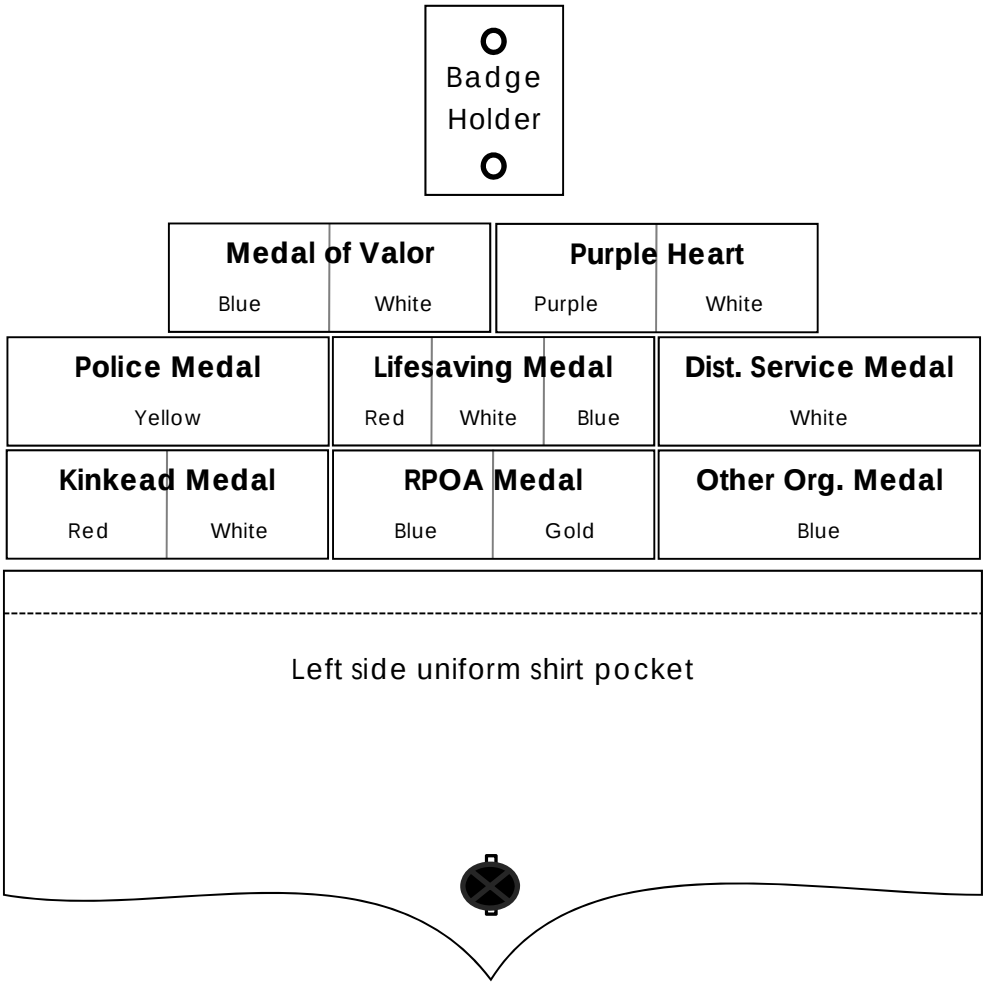

Police Medal citation ribbons are to be affixed to the uniform shirt as illustrated above. Any time a particular medal is not worn, the remaining medals will be shifted up and/or toward the position of the Medal of Valor to fill the void left by the missing ribbon.

Request for Postponement of Traffic Court_Page_2.jpg

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Case Name:	Case Number:

Declaration of Service by Mail

I declare that I am over eighteen years of age and I am not a party to the action; That on_____, I served a copy of the Law Enforcement Officer's Request for Postponement of Traffic Court Trial by depositing a copy in a sealed envelope with postage hereon fully prepaid, in the United States Postal Service mail box at the City of _____ , California, addressed to the Defendant in this matter as follows:

I certify (or declare) under penalty of perjury that the foregoing is true and correct. Executed on_____, at _____, California. Signature: _____

FOR COURT USE ONLY

Defendant's objection was received on _____ and has been considered.

Defendant failed to file a timely objection.

ORDER OF THE COURT:

It is so ordered that the request for continuance of the traffic court trial is:

☐ Granted: The new trial date is _____ at _____ .

☐ The Court finds Good Cause to re-set the trial more than 45 days beyond the arraignment date.

☐ Denied: _____

Date: _____

_____
Judicial Officer

Reward Claim Form_Page_2.jpg

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truth_act_form_1.pdf

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- ❑ Solicito recibir este formulario en español. / I request to receive this form in Spanish.
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- ❑ Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- ❑ Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- ❑ 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Re: Consent Form for Immigration and Customs Enforcement Interview

This notice is to inform you that Immigration and Customs Enforcement ("ICE") wants to interview you, either in person or by phone, to get information that they may use to try to deport you. **You have the right to agree or to refuse this interview.**

This notice is intended to provide you with information about your rights:

(1) **ICE interviews are voluntary.** You can say no to an interview by ICE.

(2) **You have the right to remain silent.** Even if you decide to say yes to an interview, you can refuse to answer any questions, including questions about your immigration status. This includes where you were born and how you came to the United States. Anything you say may be used against you in criminal and/or immigration proceedings. You should not sign any forms you do not understand.

(3) **You may request to have an attorney present during any interview.** If you request an attorney in this form below, the jail may not bring you to an ICE interview without your attorney present.

(4) **If you are already in removal (deportation) proceedings,** you have the right to have your immigration lawyer present during any questioning. You should tell ICE to contact your attorney (if you have one) before the interview.

By checking the box and signing below, you are indicating whether or not you agree to an interview with ICE. The jail or police officer will inform ICE of your decision. The jail is only allowed to bring you to an ICE interview if you agree.

Name: _____ Booking #: _____

Signature: _____

_____ I do **not** agree to speak to ICE.

_____ I agree to speak with ICE, **only** with my attorney present.

_____ I agree to speak with ICE, **without** an attorney present.

FOR LAW ENFORCEMENT PERSONNEL:

Served by : _____ ID #:_____ Date: _____

Notification Matrix.jpg

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RIVERSIDE POLICE DEPARTMENT

CRITICAL INCIDENT NOTIFICATION MATRIX

Procedures: Locate incident on left column. Refer to guide for number assignment of person responsible for notifying key personnel. Example: On an OIS the City Attorney would be notified by 7 - Investigations Lieutenant. ***(If unable to notify required personnel, notify next person upward in the chain of command).***	Watch Commander	Affected Area Commander	Communications Bureau Manager	On-call Inv Sgt. or CIB Lt.	SWAT/Hostage Negotiations	Trfc. Lt./MAIT Team	Public Information Officer	Affected Division Commander	Internal Affairs	City Attorney	Special Investigations Lt./Sgt.	Support Services Capt. or Personnel Lt.	Coroner	Psychologist	Peer Support	TSU Personnel	Intelligence	On-call Deputy D.A.	Aviation	City Safety Officer	Human Resources	DC Operations & Admin	Assistant Chief of Police	Chief of Police	Council - City Manager	Initiate ICS, notify EOC Mngr.
Natural/Man-Made Occurrence - Max/Heavy commitment of City Resources (disaster)	11	4	12				5	5		5			5	5	5				5			5	3	2	1	5
Impending event that may require Max/Heavy commitment of City Resources	11	4	12				5	5		5							5		5			4	3	2	1	5
On-duty death of Police Department employee	11	4	12	5			7/5	5	5	7		8	10/7	7/5	7/5			7		9	9	4	3	2	1	5
Off-duty death of Police department employee	14/11	4	12	5			5-7	5	4	7		8	10/7	7/5	7/5			7			9	4	3	2	1	
Employee caused homicide, death or critical injury of any person	14/11	4	12	5			7/5	5	5	7		8	10/7	7	7			7				4	3	2	1	
Officer involved fatal accident or critical injury	14/11	4	12			5	13/5	5	13/10	13		8	13/10	13	13			13		9		4	3	2	1	
Arrest, detention, or implication of criminal conduct of a peace officer, City employee or VIP	14/11/7	4		8/5			2	5	5	8		8						7				8/7/4	3	2	1	
On-duty hospitalized injury of Police employee	14/11	4	12					5	5	5		5		9	9					5		4	3	2	1	
Off-duty hospitalized injury of Police employee	14/11	4	12					5				5			9							4	3	2	1	
Officer involved shooting, on or off duty, with or without injury	14/11	4	12	5			5/7	5	5	7		8		5/7	5/7			7				5	3	2	1	
Serious crime or significant incident at a park or school	14/11	5		5			5	6														4	4	2	1	
Serious City liability incidents (traffic accidents, personal injury, property damage)	14/11	4				5	5	5	5	5				5	5					5		4	3	2	1	
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Drug lab	11/10	5					5/7	6			10/5					7		7	10/7	5		4	3	2	1	
Any drug investigation leading to significant seizures of drugs or money	11/10	5					10	10			10/5							10				4	3	2	1	
On-duty intoxication or illness requiring hospitalization	11							5	5	8		8			9							8	3	2	1	

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Waiver_-_Use_of_Likeness.jpg

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