

Livermore Police Department

Livermore PD Policy Manual

CHIEF'S MESSAGE

CHIEF'S MESSAGE

Any organization is only as good as the personnel that are part of it. Here in Livermore, our employees and volunteers really are our most valuable resource. For us to be effective, we must provide guidance, direction and leadership in the form of policies and procedures in order to accomplish our mission.

This policy manual is a living document that is subject to constant change. New laws, court decisions, City Council policies, new methodologies and other factors dictate the need for a continual review of these policies. This results in initiating revisions where necessary and appropriate.

It must be kept in mind that no set of policies, regardless of how complete, can hope to address all the situations we may encounter in policing. Therefore, it follows that there will be situations that occur that must be left to the good judgment and discretion of the person(s) involved. This judgment and discretion must be employed with sound reason.

It is every employee's responsibility and duty to become thoroughly familiar with the contents of this manual and to stay current with any changes and updates to this manual.

Jeremy Young

Chief of Police

Livermore Police Department

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MISSION STATEMENT



Our Mission

"Service with Honor, Protection with Purpose"

The Six Pillars of the Livermore Police Department

The Livermore Police Department is committed to service, justice and fundamental fairness. The six pillars have been established in order to build a solid foundation that is grounded in a shared purpose which is reflected in our people, plans and practices. The six pillars defining the values and priorities of the organization are:

- **Public Safety and Crime Prevention** – We believe public safety is the core function of the organization achieved through relationships, enforcement, and education.
- **Accountability and Public Trust** – We believe in conducting ourselves honorably, being transparent, and understand that our effectiveness relies on community support.
- **Community Engagement** – We believe in partnering with our community to enhance collaborative problem solving to improve the quality of life in Livermore.
- **Quality Service** – We believe in treating people with respect and providing superior service, both internally and externally, that exceeds expectations regardless of circumstances.
- **Innovation and Best Practices** – We believe in continually evaluating and developing our operations and services to be leaders in the law enforcement profession.

Mission Statement

- **Employee Development, Wellness and Succession Planning** – We believe in promoting safety and wellness as well as providing staff with development opportunities and clear direction to enhance their skills and prepare them to be future leaders in our organization.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE LIVERMORE POLICE DEPARTMENT

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

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

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

On-duty officers who discover criminal activity outside the jurisdiction of the City should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

100.2.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE LIVERMORE POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Livermore 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.

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

100.2.3 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.

100.2.4 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.
- (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.

Livermore 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.

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100.3 POLICY

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

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

100.6 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

DIRECTION

101.0 PURPOSE AND SCOPE

The Livermore Police Department has a written plan that defines the authority of the Chief of Police, establishes the chain of command and supervisory accountability to provide employees with a clear understanding of operating constraints and organizational expectations.

101.2 RESPONSIBILITY FOR DIRECTION AND CONTROL

The Chief of Police has the sole authority and responsibility for the management, direction, administration, and control of the operation of the Police Department (§38630(a) of California Government Code).

101.3 COMMAND ORDER OF PRECEDENCE AND PROTOCOL

In the absence of the Chief of Police, the order of precedence for command authority is the most senior Captain. In case of incapacitating injury, or death of the Chief of Police, the senior Captain is responsible for the operation of the department until the City Manager names a replacement. The echelon of command for the Livermore Police Department is as follows:

- Chief of Police
- Captain
- Lieutenant
- Sergeant
- Field Training Officer

In the event of a planned absence, the Chief of Police should designate in writing an Acting Chief of Police. In the event no acting Chief of Police is appointed, the line of succession is as follows:

- Captain by seniority in rank
- Lieutenant by seniority in rank
- Sergeant by seniority in rank

Command protocol in situations involving personnel in different offices or sections engaging in a single operation is as follows:

- (a) The command structure always follows the chain of command.
- (b) Whenever the command structure is not easily distinguishable by rank, responsibility of command remains with the command officer having primary functional responsibility.
- (c) Whenever command structure is easily distinguishable by rank, but the command officer having primary functional responsibility is of lower rank; the responsibility of command remains with the highest-ranking officer.
- (d) Primary functional responsibility is defined as matters that fall within an officer's normal responsibilities and duties.

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DIRECTION

101.4 REQUIREMENT TO OBEY LAWFUL ORDERS

Employees of the Livermore Police Department must promptly obey any lawful orders or directives of a supervisor. This includes orders or directives from a superior that an employee of the same or lesser rank relays. If an employee receives conflicting order or directive, the employee must respectfully call the conflict to the attention of the supervisor giving the last order. If the supervisor giving the last order does not change the order, the employee must obey the last order and the employee is not responsible for the disobedience of the first order.

101.4.1 UNLAWFUL ORDERS

Employees shall not ever obey any order that they know or reasonably should know would require them to commit any illegal or immoral act. If in doubt as to the legality of an order, employees must request the issuer to clarify the order or to confer with a higher authority.

Any employee who disobeys or disregards a supervisor's lawful order or directive, verbal or written, is subject to disciplinary action.

101.5 INTER-OFFICE COMMUNICATION AND MEETINGS

It is the policy of the Livermore Police Department to conduct regular meetings at all levels of command within the organization. This is to ensure and maintain an effective communications network and to promote cooperation throughout the organization. In addition to formal meetings, non-patrol employees should take the opportunity to attend briefings when possible. All employees should read department informational publications.

101.5.1 DEPARTMENT MEETINGS

The Chief or their designee may call a meeting of all personnel at their discretion. When an employee has a need to call a meeting of all personnel, a written request shall be sent through the chain of command to the Chief of Police.

101.5.2 EXECUTIVE MEETINGS

The Executive Staff Meetings are generally held three times per week. The attendees of these meetings include the Chief of Police and the Captains. Other members of the department may be invited regarding specific topics to be discussed.

101.5.3 MANAGEMENT STAFF MEETINGS

Management Staff Meetings are generally held twice per month. The attendees of these meeting include: The Chief of Police, Captains, Lieutenants, and Civilian Managers. Other members of the department may be invited regarding specific topics to be discussed.

101.5.4 DEPARTMENT STAFF MEETINGS

The full department staff meetings includes all supervisory and command staff members, civilian managers, and a representative from each bargain unit. Other members of the department may be invited regarding specific topics to be discussed. The Administrative Assistant to the Chief of Police shall be assigned to take the minutes from the meeting. The Chief of Police or their designee

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should review the minutes for accuracy and content prior to the publication and distribution of the minutes.

101.5.5 SUPERVISORS MEETINGS

The department supports the use of supervisor's meetings for communicating policy, procedure, etc., to the supervisors who must carry out and oversee the practical application of such policies. This provides supervisors with the opportunity to express their concerns or make recommendations. The following stipulations shall apply:

- Meetings should occur as necessary and generally should not exceed one per month.
- The supervisor chairing the meeting should assure an agenda is prepared and followed as appropriate, and minutes are kept for the meeting.
- Meetings generally should not exceed two hours in length unless designated as a workshop, retreat, or training.
- The Division Commander or their designee should review the Supervisor's Meeting minutes before distribution.
- The Division Commander should send a copy of the Supervisor's Meeting minutes to the Chief of Police.
- All supervisors shall attend the Supervisors Meetings unless excused by their manager or extenuating circumstances arise.

101.5.6 BARGAINING UNIT-MANAGEMENT MEETINGS

The Chief supports the use of Bargaining Unit-Management meetings as a tool to maintain quality working relations and open communication. Meetings should be scheduled on a quarterly basis with the respective bargaining unit's representatives. However, these meetings are open to any member of the bargaining units that request to attend. Captains may also attend these meetings.

101.5.7 BRIEFINGS

At the beginning of each watch, Watch Supervisors in Patrol brief their personnel. Watch Supervisors should provide the following:

- Pertinent Information from the CAD/RMS System
- Crime Analysis reports and trends
- Watch Commander Reports
- Critical Reach Information
- Personnel Orders
- Operational Orders
- Training Bulletins
- Meeting Minutes
- Any other available and pertinent information

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Briefings should not exceed thirty minutes in length without approval from the watch commander. The briefing should have a standard agenda that quickly disseminates information.

During briefings, Watch Supervisors should be advised of priority calls for service by Dispatch. If an officer needs to respond to a call for service before the briefing is concluded, the supervisor should make efforts to provide information to that officer that was given during the coinciding briefing.

Briefings are primarily a patrol function. However, briefings are open to all personnel with official business. Support Division Personnel are encouraged to attend briefings to participate and share information.

101.6 EMAIL COMMUNICATIONS

The Livermore Police Department encourages the use of email to aid in communicating internally and externally in an efficient manner. However, information overload is always a problem. Employees should not send SPAM, chain emails, and unnecessary emails. Recipients should be chosen narrowly and should follow the chain of command for any requests. Refer to §212 of this manual for further policy on email and electronic communications.

101.7 POLICY REVIEW

This policy was reviewed by the Captain Sarsfield

Chief Executive Officer

102.1 PURPOSE AND SCOPE

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

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 WRITTEN OATH OF OFFICE

The written Oath of Office is administered by Human Resources on the first practicable day after employment and before the new sworn officer becomes engaged in police duties. The written Oath of Office is maintained in the employees personnel file.

104.3 PUBLIC ORAL OATH OF OFFICE

Sworn Officers may be scheduled to attend a Swearing In Ceremony to publicly perform the ceremonial Oath of Office. This ceremony should occur within the first 90 days of their employment. The ceremonial Oath of Office is administered by the Chief of Police or their designee.

104.4 POLICY

It is the policy of the Livermore 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.

104.5 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.”

104.6 MAINTENANCE OF RECORDS

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

Jurisdiction and Geographical Boundaries

105.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the geographical boundaries of the City of Livermore and define jurisdictional responsibilities.

105.2 BOUNDARIES OF JURISDICTION

The City Council for the City of Livermore sets the geographical boundaries for the city of Livermore. The Livermore Police Department is responsible for law enforcement functions for all incorporated land within those geographical boundaries. The City of Livermore City Engineer maintains a Geographic Information System, including a map that delineates the specific geographical boundaries of the agency's jurisdiction. An electronic version of the map is accessible through the City of Livermore Intranet, and a printed version is maintained in Communications Center.

The official map provided by the City of Livermore Engineering Department delineates the geographical boundaries of the City of Livermore. The City of Livermore is generally situated between the City of Dublin, and the City of Pleasanton to the West, and Alameda County to the North, South, and East. The Lawrence Livermore National Security Facility and Sandia Laboratory are located on the east border of the City of Livermore. These two scientific research facilities are managed in a partnership with the United States Department of Energy. Therefore, they are under Federal Jurisdiction.

Link to City GIS System: <http://lch-gis01/LvmrGIS/index2.cfm>

105.3 CONCURRENT JURISDICTION RESPONSIBILITY AND AGREEMENTS

It is the intent of this directive to identify basic shared responsibilities as they relate to police service in concurrent jurisdictions. The Livermore Police Department works within the concurrent jurisdiction of the following agencies: The Alameda County Sheriff's Office, California Highway Patrol, Union Pacific Railroad Police, Bay Area Rapid Transit Police (BART Police), and the Lawrence Livermore National Laboratory (LLNL). It is the policy of the Livermore Police Department to coordinate its efforts with these concurrent agencies as outlined below:

- **Alameda County Sheriff's Office:** Our primary relationship with the Sheriff's Office is the booking and custody of prisoners and the service of the Alameda County Coroner's Office. Criminal investigations within the city limits shall be the responsibility of the Livermore Police Department, regardless of any assistance from the Sheriff's Office.
- **California Highway Patrol:** The Livermore Police Department shall investigate all criminal events within our jurisdiction, including those occurring on Interstate 580, and State Highway 84. The Livermore Police Department will provide assistance to California Highway Patrol when requested for any unusual incident that occurs on the roadways within the jurisdiction of the Highway Patrol.

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- **Union Pacific Railroad:** The Livermore Police Department shall investigate all criminal events within our jurisdiction, including those occurring on the railroad lines within the city limits. The department will provide assistance to Union Pacific Railroad Police Department when requested to do so for any unusual incident that occurs on the rail system.
- **BART Police:** The Bay Area Rapid Transit Agency operates a "park and ride" facility within the City Of Livermore. The Livermore Police Department shall investigate all criminal events within our jurisdiction, including those occurring within the park and ride facility. The Livermore Police Department will provide assistance to BART Police when requested to do so for any unusual incident that occurs on BART property within the city limits of Livermore.
- **LLNL Police:** The LLNL Police have jurisdiction in the LLNL property; however, since it falls within the City of Livermore we may be asked to assist with some cases. The Livermore Police Department will assist and investigate any crime or traffic collisions when asked to do so.

105.4 POLICY REVIEW

[This policy was reviewed by Captain Young](#)

[11/16/15](#)

Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Livermore 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.

106.2 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.

106.2.1 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 Livermore 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 Livermore Police Department reserves the right to revise any policy content, in whole or in part.

106.2.2 STAFF

Staff shall consist of the following:

- Chief of Police
- The Captain from each division

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

106.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander who will consider the recommendation and forward to staff. Any revision to the Policy Manual shall be approved by the Chief of Police.

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106.2.4 POLICY REVIEW & REVISION PROCESS

New and revised policy will be distributed to management and subject matter experts for review and comments.

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

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Interim Directives may be abbreviated as "ID"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

106.3.2 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of Livermore.

Department/LPD - The Livermore 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 Livermore Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Livermore Police Department including sworn officers, reserve officers, non-sworn employees and volunteers.

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

Officer/Sworn - Those employees, regardless of rank, who are sworn employees of the Livermore Police Department.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

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

Rank - The job classification title 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

106.3.4 DISTRIBUTION OF MANUAL

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

Access to the electronic, read only, version of the Livermore Police Department Policy Manual is stored at the following location:

lpdweb

Upon initial hire, a new full-time employee shall be provided access to the Lexipol website where they can view the policy manual in digital format. All employees shall be notified of new releases of the policy manual by the Lexipol mobile application on their mobile device or by email.

106.4 RELEASE OF NEW VERSIONS AND ARCHIVE OF OLD VERSIONS

The release of new versions of this manual shall occur no more frequently than once per month and no less frequently than once per year. The release of any new version shall be accompanied by a release notes document, outlining in detail the changes in the newest version of the policy manual. All employees shall be notified of each release in a method that requires the employee acknowledge receipt and confirm understanding of the release. No version shall be released

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without approval of the Chief of Police. The details of the release will be completed by the Administrative Assistant to the Chief of Police.

All revisions to this manual shall be recorded. Each outdated manual shall be archived in a suitable manner to assure long term reference. At minimum a printed copy and two digital versions shall be stored. The two digital copies shall be stored in separate locations.

106.5 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 Interim Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.7 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.

106.8 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Law Enforcement Code of Ethics

107.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their department at all times.

107.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other persons at the time of appointment (11 CCR 1013).

107.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

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

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

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

107.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

107.4 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Chapter 2 - Organization and Administration

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 department is organized into two major components: the Operations Division, and the Support Division. A Police Captain, who reports directly to the Chief of Police, manages each division.

The Chief of Police is responsible for administering and managing the Livermore Police Department and reports directly to the City Manager. The Chief of Police is generally responsible for the day-to-day operations of the Department. Positions reporting directly to the Chief of Police include:

- Administrative Assistant-this position is responsible for administrative support as delegated by the Chief of Police.
- Professional Standards Sergeant-this position is responsible for investigating allegations of police misconduct, as well as conducting routine audits/inspections within the department.
- Administrative Services Division Captain
- Operations Division Captain

200.2.1 OPERATIONS DIVISION

The Operations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control of the division. The Operations Division Captain exercises immediate supervision over the Watch Commanders and provides general management direction and control for the following units:

- Patrol Bureau
- Reserve Officers
- Criminal Investigations Bureau
- School Resource Officers
- Crime Analysts Unit
- Cadets
- K-9 Program
- East County Tactical Team
- Crime Scene Unit
- Critical Incident Stress Management Team
- Traffic Bureau

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- Crime Prevention Unit
- Homeless Liason Officers

200.2.2 SUPPORT SERVICES DIVISION

The Support Division is commanded by a Captain whose primary responsibility is to provide general management direction and control of the division. The Support Division Captain exercises immediate supervision over the unit/bureau managers, coordinators, supervisors and provides general management direction and control for the following units:

- Records Bureau
- Public Safety Dispatch Bureau
- Crime Prevention
- Explorer Unit
- Horizons Counseling Bureau
- IT Unit
- Business Services Bureau
- Reserve Officer Program
- Volunteer Program
- Facilities and Fleet Services Manager(s)
- Animal Control
- Property and Evidence Technician(s)

200.3 COMMAND PROTOCOL

Commanders, managers, supervisors, and coordinators are responsible for the effective and efficient operation of their assigned function and have the authority and duty to make decisions to fulfill their role.

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 a Division Commander 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) Operations Division Commander
- (b) Administrative Services Division Commander
- (c) Watch Commander

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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

All commanders, managers, supervisors, and coordinators, or those delegated to such responsibilities, are responsible for the performance of employees under their immediate control.

200.4 EXCHANGE OF INFORMATION

The current and relevant exchange of information between all functions of the Department is paramount to coordinating activities and ensuring that pertinent knowledge is disseminated in a timely manner. The Department uses several methods to exchange information between all functions. The more common methods are as follows:

- (a) Executive Staff Meetings-Three times a week
- (b) Command Staff Meetings-First and third Tuesday each month
- (c) Division Meetings-Monthly
- (d) Watch Activity Report-Daily
- (e) Patrol Briefings-Per shift
- (f) CIB Briefings-Weekly
- (g) Training Bulletins-As needed

200.5 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Interim Directives

204.1 PURPOSE AND SCOPE

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

204.1.1 INTERIM DIRECTIVE PROTOCOL

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

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

Any Interim Directives 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 Interim Directive for the year 2008.

204.2 RESPONSIBILITIES

All Interim Directives will be distributed and maintained in accordance with Section 106.41 of this policy manual.

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police or person acting in that role shall issue all Interim Directives.

204.3 ACCEPTANCE OF INTERIM DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Interim Directives. All employees are required to acknowledge in writing the receipt and review of any new Interim Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Sergeant.

204.4 POLICY REVIEW

[This policy was reviewed by Chief Harris](#)

[11/16/15](#)

Emergency Operation Plan

206.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operation 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).

206.1.1 DEFINITIONS

The following are definitions for this policy section:

Critical Incident Response Guide (CIRG): This guide is designed for field commanders to use in the organization and response to critical incidents.

Department Operations Center (DOC): A Department Operations Center is organized in the same manner as an Emergency Operations Center with the difference being the event is primarily managed by one city department, ie; police event, fire event. A DOC may be located at the EOC or other appropriate location.

Emergency Operations Center (EOC): The primary Emergency Operations Center for the City of Livermore is located in the Community Room of the Police Facility. The EOC is equipped to manage and support most types of field incidents.

Comprehensive Emergency Operations Plan (EOP): A plan developed by the City of Livermore to manage and support the response to multiple types of hazards and disasters. The plan is based on the management structure and principles based on the Incident Command System (ICS) and the National Incident Command System (NIMS).

206.1.2 COMPREHENSIVE EMERGENCY OPERATION PLAN (EOP)

The City of Livermore Comprehensive Emergency Operations Plan is adopted pursuant to the City of Livermore Municipal Code. The EOP is a plan to manage a large event. A copy of the EOP is available to all employees both electronically and in printed version.

The EOP is maintained and edited by the Fire Chief of the Livermore/Pleasanton Fire Department. Updates to the EOP are required annually by the direction of the city council. The manual shall be updated to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS).

The Training Manager will assure appropriate personnel are given annual training in regard to the EOP and the operations in an emergency.

206.1.3 LOCATION OF EOP DOCUMENT

An updates version of the City of Livermore Emergency Operations Plan shall be kept minimally in the following locations:

Printed Copies:

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Emergency Operation Plan

- Office of the Chief of Police (Copy #1)
- Captain's Office (Copy #2-3)
- Patrol Watch Commander Office (Copy #4)
- Sergeants Office (Copy #5)
- Communication Center (Copy #6)
- Emergency Operations Center (Copy #7)
- Livermore Police Mobile Command Center (Copy #8)

Electronic Version:

- The Livermore Police Department "Share Drive Server" in the EOC-CIRG folder.

206.1.4 CRITICAL INCIDENT RESPONSE GUIDE (CIRG)

The Critical Incident Response Guide (CIRG) is a semi-comprehensive guide based on numerous common critical incidents. The guide is intended to aid a patrol supervisor or field incident commander in assessing, planning, and executing the appropriate response to a critical incident.

The Operations Division Commander is responsible to assure the CIRG is reviewed annually and updated as appropriate. The Operations Division Commander is also responsible to assure the appropriate staff are trained annually in the use and access of the CIRG.

206.1.5 LOCATION OF CIRG DOCUMENT

An updated version of the Livermore Police Department Critical Incident Response Guide (CIRG) will be numbered and kept in the following locations:

PRINTED VERSIONS:

- Office of the Chief of Police (Copy #1)
- Captain's Office (Copies #2-3)
- Patrol Watch Commander's Office (Copy #4)
- Patrol Sergeant's Office (Copy #5)
- Emergency Operations Center (Copy #6)
- Community Outreach Vehicle (Copy #7)
- Communications Center (Copy #8)
- Issued to each Lieutenant (Copies #9-13)
- Issued to Each Sergeant (Copies #14-25)
- Issued to Each field training officer (Copies #26-32)

ELECTRONIC VERSION:

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Emergency Operation Plan

- On the Livermore Police Department "Share Drive Server" in the EOC-CIRG Folder

206.2 ACTIVATING THE EMERGENCY PLAN

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

206.2.1 RECALL OF PERSONNEL

In the event that the Comprehensive Emergency Management Plan is activated, all employees of the Livermore 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. Extraordinary circumstances include any natural disaster, major incidents, or unplanned event, that requires the activation of the Emergency Operations Center.

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

206.3 LOCATION OF THE PLAN

The Operations Division Commander is responsible to assure that the planning and execution of pre-planned critical events follow the procedure established. These events include, but are not limited to:

- Special Events
- Dignitary Protection
- High-risk or critical warrant services
- Other planned complex operations

206.4 POLICY REVIEW

This policy was reviewed by Lieutenant Trudeau 1/22/16.

Training

208.1 POLICY

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

208.2 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.

208.3 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).

208.4 OBJECTIVES

The objectives of the Training Program are to:

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

208.5 TRAINING SERGEANT

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

208.5.1 TRAINING RESTRICTION

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

208.6 TRAINING PLAN

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

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Training

All employees shall use this Training Plan as a guideline when applying or granting approval for training courses. Exceptions to the training plan shall be considered on a case-by-case basis, but must be for a specific need. The Training Plan is divided into two main sections. The first is "Training by Rank/Classification," which outlines core training for all employees based solely on their rank or permanent job classification. The second is "Training by Assigned Position," which indicates additional training for employees based on their current assignment. Employee training needs shall be determined by combining applicable guidelines from both sections. Training shall be categorized as follows:

- (a) Mandatory Training is required for position as mandated by law or policy.
- (b) Essential Training is necessary to perform job functions with high competence. This includes training identified by LPD to enhance overall competence and expertise.
- (c) Desirable Training is relevant to position and would enhance job skill.

Unit managers and supervisors are responsible for facilitating training categorized as "Mandatory" for each employee assigned to them as early as practical. Mandatory training that is required by statute shall be completed within the time mandated by law. Training categorized as "Essential" shall be given priority over training that is categorized as "Desirable."

[See attachment: 2020 LPD Master Training Plan Working final copy 01-18-21.pdf](#)

208.7 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

208.8 TRAINING COMMITTEE

The Training Sergeant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Sergeant may remove or replace members of the committee at his/her discretion.

The Training Committee 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 incidents the Training Committee should review include, but are not limited to:

- (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 to review to identify possible training needs.

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The Training Committee should convene on a regular basis as determined by the Training Sergeant to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Sergeant. 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 Sergeant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

208.9 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances
 - 2. First choice vacation
 - 3. Sick leave
 - 4. Physical limitations preventing the employee's participation.
 - 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
 - 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
 - 2. Document his/her absence in a memorandum to his/her supervisor.
 - 3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

208.10 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Livermore 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 Sergeant.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Sergeant. 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.

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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.

208.11 POLICY REVIEW

This policy was reviewed by Captain Boberg

Law Enforcement Services Agreement Policy

209.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear directives for the preparation of written agreements governing law enforcement services provided by the Livermore Police Department to outside agencies or entities. Written agreements shall be required anytime the Livermore Police Department undertakes a contractual obligation to provide city resources for law enforcement purposes to any other agency or entity.

Policy Enacted: May 1, 2010

209.2 EMPLOYMENT RIGHTS OF ASSIGNED PERSONNEL

Any contract for law enforcement services shall be drafted and implemented to protect the employment rights of assigned personnel. Participation in contract law enforcement assignments shall not penalize the participating employees, or jeopardize promotional opportunities or fringe benefits.

209.3 PRINCIPLES FOR CONTRACT CONSTRUCTION FOR LAW ENFORCEMENT SERVICES CONTRACTS

All contracts for law enforcement services shall be written agreements including the following terms, conditions, and information:

- (a) A statement of specific services to be provided
- (b) Specific language dealing with financial agreements between parties
- (c) Clear statement of the records to be maintained by each party concerning the performance of services by the provider agency
- (d) Language dealing with the duration, modification, and termination of the contract
- (e) Specific language dealing with risk management and legal contingencies, including insurance and indemnification of parties
- (f) Stipulation that the provider agency maintains control over its personnel
- (g) Specific arrangement for the use of equipment and facilities
- (h) A procedure for review and revision, if needed, of the agreement

209.4 RECOMMENDATION AND APPROVAL

All contracts for law enforcement services shall be reviewed and authorized by the Chief of Police and the City Attorney for a recommendation to the City Manager. Once approved by the City Manager for City Council consideration, the item shall be placed on the next available City Council agenda. No contract for law enforcement services shall be valid until approved by resolution of the City Council of the City of Livermore.

Electronic Mail

212.1 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.

212.2 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.

212.3 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 a Division Commander. Personal advertisements are not acceptable.

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

212.3.1 SELECTION OF E-MAIL RECIPIENTS

Great care should be taken when selecting the recipients for the intended email. The E-mail system is capable of simultaneously transmitting a message to all employees in the global address book, or to all E-mail users within a division, department, or work unit. Full discretion must be exercised in determining when an all employee, all department, or all work unit message is to be sent. If

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there are any questions as to the appropriateness of an all employee message, the approval of the sender's division manager should be obtained.

212.4 EMAIL RECORD MANAGEMENT

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.

212.5 POLICY REVIEW

This Policy was reviewed by IT Manager Greg Park 12/07/15

Administrative Records

213.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the types of records maintained in the Office of the Chief of Police and the procedures for handling such records.

213.2 TYPES OF RECORDS MAINTAINED

The types of records maintained in the Office of the Chief of Police include, but are not limited to the following:

- (a) Internal Affairs
- (b) Working Personnel Files
- (c) Miscellaneous Correspondence

213.3 METHODS OF STORAGE

The Administrative Assistant to the Chief of Police is responsible for keeping current descriptions of methods of record storage in the office of the Chief. It is the intention that efforts should be made to handle records most efficiently and in an automated, digital format where possible.

213.4 PURGE RESPONSIBILITY

The Professional Standards Unit Sergeant, in cooperation with the Administrative Assistant to the Chief of Police are responsible for the purging of records maintained in the office of the Chief of Police. The records shall be maintained and purged in accordance with the City of Livermore purge policy, and all local, state, and federal law.

213.5 POLICY REVIEW

This policy was reviewed by the Administrative Assistant to the Chief of Police, Christine Campbell
10/29/15

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 PERSONNEL ORDERS

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.

214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. Personnel should use Department letterhead only for official business and with approval of their supervisor.

214.4 SURVEYS

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

214.5 POLICY REVIEW

This Policy was reviewed by the Administrative Assistant to the Chief of Police, Christine Campbell
10/29/15

Facility Security

215.1 PURPOSE AND SCOPE

The police facility is a secure environment, as confidential information is maintained within the department and employees must feel safe within the confines of the building. Only authorized individuals shall be allowed in non-public areas. Certain areas shall have higher levels of security. This policy describes the facility security plan.

215.1.1 EMPLOYEE RESPONSIBILITY

Every employee of the Livermore Police Department has the responsibility to contact and question individuals within the police facility who are not familiar to them, not displaying official Livermore Police identification, or not wearing a law enforcement uniform. The nature of the contact should be to ascertain what authority the unidentified individual(s) has to be in the police facility without proper credentials or escort. Every employee shall adhere to the Facility Security Plan as outlined in the Livermore Police Department procedures manual.

Every employee, including volunteers, if not in full police uniform, shall display their Livermore Police Department identification card in plain sight on their person so that they may be easily identified as an employee of this department.

215.2 MINIMUM STANDARDS FOR ACCESS

Access to the police department and within the facility is controlled under the authority of the Chief of Police or their designee. To ensure high standards of security within the Livermore Police Department, all individuals entering the facility beyond the front lobby and community room/EOC, must have permission and authority to enter, and must adhere to one of the following:

- A current police department employee in good standing
- Escorted by a current/authorized police department employee at all times
- On-duty emergency personnel with business within the police facility or to respond to an actual emergency within the police facility (i.e., fire personnel or other first responders)
- Volunteers who have completed the proper level of the background process (Yellow (Less than full background) or Green Identification Card (Full background))

215.3 PUBLIC, NON-PUBLIC, SECURED, AND RESTRICTED AREAS

Areas within the Livermore Police facility are designated as Public, Non-Public, Secured, and Restricted areas.

215.3.1 PUBLIC AREAS

Public areas are accessible to the general public without being escorted and without having met any other requirements. These public areas are accessible during normal operating hours specific to that area and are the following locations:

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- Front parking lot
- Front lobby
- Front lobby restrooms
- Community Room/Emergency Operations Center*

*The Emergency Operations Center is a public area only when a meeting is being held that is open to the public, and only during that time when the meeting is in session.

215.3.2 NON-PUBLIC AREAS

Non-Public areas are accessible to individuals having permission or authority to enter the police department building beyond those specified in the "Public" area definitions. These individuals must wear an appropriate issued visitor identification card and must be escorted by an authorized Livermore Police Department employee at all times; or have met the requirements listed under the "Non-Escorted visitors." Non-Public- areas of the police department are designated as the following areas:

- Community Room/Emergency Operations Center (Unless a public meeting is in session)
- Employee secured parking lot
- Main hallways within the police department
- Evidence booking area
- Employee lunch/break room
- Briefing room
- Report writing room
- Center courtyard
- Employee locker rooms
- Fitness Center/Exercise Room
- All other non-designated open areas within the building

215.3.3 SECURED AREAS

Secured Areas within the police department have limited access. Only those individuals having authority shall have access to the specific Secured areas. These individuals may have access to certain Secured areas and not other Secured areas, depending on their level of access authority (See "Access Level Authority".) Secured areas will be limited access to only normal business hours for that particular area, with the exception of supervisory personnel and above, or those individuals having the specific authority to access a particular area during non-business hours. These Secured areas are designated as the following areas:

- Communications center

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- Records center
- Investigations unit
- Traffic Unit
- Professional Standards Unit
- Intelligence Office
- Temporary holding facility
- Storage/Outbuildings (Motors sheds, range box, K-9 shed)
- Individual locked offices
- Bicycle Storage Room

215.3.4 RESTRICTED AREAS

Restricted areas within the Livermore Police Department are those areas where access is highly controlled, regardless of supervisory status and hours of operation. Only designated individuals having the authority from the Chief of Police or his/her designee shall have access to the specific Restricted areas. Restricted areas are designated as the following areas:

- Evidence Room (Includes evidence storage facility located at the Corporation Yard of the City of Livermore)
- Server Room
- Radio/Phone Room
- Armory
- SWAT Storage Room
- Radio Towers (off-site)
- Computer Forensic Office

215.3.5 FACILITY SECURITY PLAN AND PROCEDURES

The Facility Security Plan and Procedures are located in the Livermore Police Department Procedures Manual, and shall be adhered to by all personnel and individuals gaining access to the facility, property, or structures. The Support Division Commander shall review the Facility Security Plan and Procedures every two years and make updates or changes as necessary.

215.4 POLICY REVIEW

[This policy was reviewed by Facility Manager Bishop](#)

[11/16/15](#)

Staffing Levels

216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision and staffing 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.

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels for Patrol is as follows:

Officers

0600-1000 Hours: 5 Officers

1000-2000 Hours: 8 Officers

2000-0300 Hours: 9 Officers

0300-0600 Hours: 5 Officers

Supervisors

0600-1000 Hours: 1 Supervisor

1000-0300 Hours: 2 Supervisors

0300-0600 hours: 1 Supervisor

Minimum staffing levels for dispatch is as follows:

Dispatchers

0600-0900 Hours: 2 Dispatchers

0900-0300 Hours: 3 Dispatchers

0300-0600 Hours: 2 Dispatchers

The minimum staffing levels are guidelines and should be followed; however, it does not prohibit periods where staffing falls below the guideline. The Supervisor will consider all circumstances prior to allowing staffing to fall below the guideline. Conditions that may allow a brief period below the minimum guideline are availability of special units, the time of day or night, and historical call load.

216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, FTOs or Officers may be used as field supervisors instead of a field sergeant.

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An FTO or Officer may act as a Watch Commander for a limited period of time with prior authorization from the Operations Division Commander.

216.2.2 SUPERVISORS

For the purpose of this section, a supervisor is a sergeant, an acting sergeant, or higher ranked officer. Field Training Officers may be used on a limited basis, and no longer than necessary, with the approval of the Operations Division Commander.

216.3 WORKLOAD ASSESSMENTS

The distribution of personnel is based on workload and need. The number of police incidents, traffic issues, calls for service, and/or community priorities may change over time. The administrative staff shall complete a comprehensive study at least once every three (3) years regarding workload and staffing.

The study should include components for patrol, investigations, dispatch, and traffic functions using the appropriate measures to assure the proper number of personnel are assigned at the proper hours of the day, and the workload is being completed in a professional manner.

The Support Division Commander is responsible for establishing a process and schedule for the completion of these studies. The overall study may be a compilation of smaller studies completed over the three year period.

216.4 POLICY REVIEW

This policy was reviewed by Captain Young 11/16/15

License to Carry a Firearm

218.1 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.

218.1.1 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).

218.2 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 § 7923.808).

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 the applicant's family shall not be considered public record (Government Code § 7923.800).

218.3 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Livermore (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

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218.4 POLICY REVIEW

This policy was reviewed by Captain Boberg.

Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

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

220.2 POLICY

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

220.3 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.
- (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.

220.3.1 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 Livermore 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.

220.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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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.

220.4 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).

220.4.1 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."

220.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Livermore 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.

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- (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.

220.4.3 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).

220.5 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.

220.5.1 RESPONSIBILITIES UNDER LEOSA

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

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

220.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

- (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.

220.6 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.

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

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

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).
 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.

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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.
 - (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.

220.8 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 Training Manager will maintain a record of the qualifications and weapons used.

220.9 POLICY REVIEW

This policy was reviewed by Sergeant Lendman.

Purchase of Service Weapon and Department Issued Police Badge

221.1 PURPOSE AND SCOPE

The purpose of this section is to provide a process by which full-time sworn and civilian Livermore Police Department ("Department") employees who retire in "good standing" and requests to purchase of their service duty firearm and/or department issued police badge.

Specific guidelines are necessary to outline the proper procedure to follow when recognizing retiring employees. The department must consider its fiscal responsibility to the community as well as the importance of recognizing the length of service each employee has dedicated to the City of Livermore ("City") and the law enforcement profession.

221.2 CRITERIA FOR PURCHASING SERVICE WEAPON AND BADGE(S)

With the approval of the Chief of Police, sworn full-time police officers who have a minimum of five (5) years of service to the City and retire in "good standing" may be allowed to purchase their service duty firearm and badge.

221.3 DEFINITIONS

"Good Standing" means that the employee was not severed from employment or otherwise subject to possible termination or discipline due to a disciplinary action or violation of any law, Livermore Municipal Code or Livermore Personnel Rules and Regulations. Additionally, the purchase of a service weapon will not be allowed when a retirement is the result of a psychological disorder, or any employee who retires in lieu of termination after a formal agreement to avoid termination or immediately following the service of a notice of adverse action recommending termination.

"Service Retirement" means the separation of employment from Department service following a duty-related injury or the employee chooses to accept a pension under the Public Employee Retirement System (PERS). The retirees' date of retirement (separation from the Department) must coincide with their eligibility to immediately receive pension compensation.

"Service Duty Firearm" is strictly limited to the handgun issued to an officer by the Department, the officer has been issued the same firearm for over five years, and the department determines the firearm should be replaced. The definition does not include any shotgun or any other type of rifle the officer is allowed to use during employment with the Department.

221.4 COST RELATED TO PURCHASING A DUTY SERVICE FIREARM ON THE CALIFORNIA DEPARTMENT OF JUSTICE (DOJ) HANDGUNS CERTIFIED SALE LIST

If approved, an officer may purchase their service duty firearm for fifty percent (50%) of the original retail cost paid for the item plus applicable taxes. The City's decision as to the purchase price of the weapon is final.

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221.5 APPLICATION PROCEDURES

Employees meeting the above listed criteria shall submit the Retiree Weapon Transfer and Purchase Agreement Memorandum (Attachment "A") to the Chief of Police via the appropriate chain of command. The memorandum shall outline the officer's eligibility to purchase the firearm.

If approved, the affected Division Commander shall direct the Range Master, or designee, to:

- (a) Obtain the Retiree Weapon Transfer and Purchase Agreement Memorandum
- (b) Collect necessary funds for the firearm purchase and provide the employee a copy of the memorandum and receipt of purchase from the City.
- (c) Coordinate with the Facility and Equipment Manager to update the status of the firearm in the Department's inventory system.
- (d) Coordinate with the Facility and Equipment Manager to transfer registration of the firearm via the Automated Firearm System (AFS) to the requesting retiree.
- (e) Verify with the Department of Justice that the transfer was completed appropriately.
- (f) Print and place a copy of the updated registration and copy of the sale receipt information in the Department's handgun file maintained by the Facility and Equipment Manager.

Following completion of the above steps the Range Master will coordinate the physical transfer of the weapon via a third-party gun dealer after the actual separation of employment occurs.

221.6 PURCHASING A SERVICE DUTY FIREARM NOT ON THE CALIFORNIA DEPARTMENT OF JUSTICE HANDGUN CERTIFIED FOR SALE LIST

If approved, an officer may be able to purchase their service duty weapon, as defined in section 221.3, through a department approved third-party firearm dealer prior to their actual separation of employment from the department due to the firearm's age and condition.

Range Master's Responsibilities:

1. The Range Master will inspect the firearm and determine if the firearm is due to be replaced based on its age and condition.
2. If the firearm meets the above criteria, the Range Master and Facility and Equipment Manager will coordinate the transferring of ownership of the firearm to a department approved third-party firearm dealer.
3. Coordinate with the Facility and Equipment Manager to update the status of the firearm in the Department's inventory system.
4. The Range Master and the Facility and Equipment Manager will coordinate the transfer registration of the firearm via the Automated Firearm System (AFS) to the third-party firearm dealer.
5. The transfer to the firearm dealer will be confirmed with the Department of Justice.
6. A copy of the updated registration and transfer information will be placed in the department's handgun file maintained by the Facility and Equipment Manager.

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7. After the above is complete, the Officer will contact the firearm dealer and the cost of the firearm is solely determined by the firearm dealer.

221.7 SWORN OFFICER BADGES

(a) Sworn Officer Badges

Officers who meet the minimum criteria as outlined in §221.1, 221.2, and 221.3 may be allowed to purchase their departmental issued police badge(s) for fifty percent (50%) of the original retail cost paid for the item plus applicable taxes. The availability of previously worn departmental badges is not guaranteed and subject to the discretion of the city.

Department retirees wishing to retain their badges shall submit the Retiree Police Badge Purchase Memorandum (Attachment "B") to the Chief of Police via the appropriate chain of command outlining their eligibility. Officers who resign shall submit the Resignation Police Badge Purchase Memorandum (Attachment "D") to the Chief of Police via the appropriate chain of command outlining their eligibility. These memorandums shall affirm that the badge(s) will only be displayed as memorabilia. Upon approval, and before transfer to the officer, the uniform badge(s) shall have the pin removed from the rear of the badge.

(b) Wallet or Flat Badges

A "flat" or "wallet" badge will be issued by the Department to the retiree and a "Retired" banner will be permanently affixed to the badge as described in Penal Code §538(c) (2). The retiree may purchase this flat badge and wallet for fifty percent (50%) of the original retail cost paid for the item plus applicable taxes. The "Retired" flat badge will aid in proper identification of the retiree when carrying a concealed weapon during retirement.

(c) Civilian Employee/Reserve Officer Badges

Civilian employees who retire or resign and meet the minimum service criteria as outlined in §221.2, and 221.3 may be allowed to purchase their departmentally issued badge(s) for fifty percent (50%) of the original retail cost paid for the item plus applicable taxes. The availability of previously worn departmental badges is not guaranteed and subject to the discretion of the City. Service retirement retirees wishing to retain their badges shall submit the Retiree Police Badge Purchase Memorandum (Attachment "B") to the Chief of Police through the appropriate chain of command outlining their eligibility. The memorandum shall affirm that the badge(s) will only be displayed as memorabilia. Upon approval, and before transfer to the retiree, the uniform badge(s) shall have the pin removed from the rear of the badge.

(d) If any of the above subsections are approved by the Chief of Police, the affected Division Commander shall direct the Facility and Equipment Manager to:

- (a) Obtain the memorandum of purchase from the retiree
- (b) Collect the necessary funds for the badges and provide the retiree a copy of the memorandum and purchase receipt.
- (c) Remove the badges from the department inventory system.
- (d) Ensure the uniform badges have the rear pin removed before delivering the badge to the retiree.

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221.8 PURCHASE OF BADGE UPON PROMOTION

At the discretion of the Chief of Police, any employee who is promoted will generally be allowed to purchase their previously issued badge at fifty percent (50%) of the original retail cost paid for the item plus applicable taxes.

The promoted employee wishing to purchase their previously issued badge shall submit the Promotional Police Badge Purchase Memorandum (Attachment "C") to the Chief of Police through the appropriate chain of command. The memorandum shall affirm that the badge will only be displayed as memorabilia. Upon approval, and before transfer to the employee, the uniform badge shall have the pin removed from the rear of the badge.

When the purchase has been approved by the Chief of Police, the affected Division Commander shall direct the Facility and Equipment Manager to:

1. Obtain the memorandum of purchase from the employee.
2. Collect the necessary funds for the badge and provide the employee a copy of the memorandum and purchase receipt.
3. Remove the badge from the department inventory system.
4. Ensure the uniform badge has the rear pin removed before delivering the badge to the employee.

221.9 ATTACHMENTS

[See attachment: 221 Firearm Purchase ATT A.pdf](#)

[See attachment: 221 Firearm Purchase ATT B.pdf](#)

[See attachment: 221 Firearm Purchase ATT C.pdf](#)

[See attachment: 221 Firearm Purchase ATT D.pdf](#)

221.10 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

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

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

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).

De-escalation- A philosophy which encompasses the process of using strategies and techniques intended to decrease the intensity of a situation.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

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.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

Level of force- Generally describes different possible force applications and their reasonably expected level of potential resultant injury, progressing from a low level of force to deadly force. When feasible, most levels of force are preceded by an officer's mere presence and the use of verbal techniques, which may achieve compliance and prevent an application of force (note: officers are not required to begin with the lowest level of force and then move through each subsequent level of force when a reasonable officer would believe that it would be unsafe or

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impractical to do so). A low level of force is not expected to result in any lasting injury. Examples of the lowest level of force might include control holds, pressure points, grabbing/holding, or the use of bodyweight/leverage-based control techniques. The next level of force might include forceful takedowns or the use of personal body weapons, such as hand, foot, or knee strikes. An intermediate level of force might include the use of control devices, such as an CEW (Taser), baton, oleoresin capsicum (OC), kinetic energy projectile or police K9. The highest level of force is deadly force. Some force applications may fall into different categories of force based on the specific manner in which they were deployed, such as the intended target zone of the application (note: this policy contains additional information regarding the circumstances in which particular levels of force may be used).

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 FAIR AND UNBIASED USE OF FORCE

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

300.2.2 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

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

An officer that has received all required training on the duty to intercede and fails to act as required by Government Code Section 7286 may be disciplined up to and including in the same manner as the officer that committed the excessive force.

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300.2.3 DUTY TO REPORT EXCESSIVE FORCE

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

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

300.3 USE OF FORCE

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

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

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

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

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300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) 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 prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or 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

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successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) Whether the person can comply with the direction or orders of the officer.
- (b) 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 or that the technique was ineffective.

300.3.4 INTERMEDIATE FORCE OPTIONS

Control devices and/or techniques may be effective in controlling a violent person or person who has demonstrated the intent to be violent. See policy #307 for guidelines regarding control devices and techniques, which includes but is not limited to the following;

- (a) Impact Weapons
- (b) Tear Gas
- (c) Oleoresin Capsicum (OC)
- (d) Pepper Projectiles (FN303)
- (e) Kinetic Energy Projectiles (less lethal launchers)

Conducted Energy Weapon (Taser) is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. See the conducted energy policy #308 for CEW guidelines.

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 Livermore Police Department for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers shall consider reasonably available alternatives to using force. The use of alternative tactics may increase officer safety and may decrease the need for using force, or a higher level of force.

When feasible officers shall utilize de-escalation techniques, crisis intervention techniques, and other alternatives to force. (Government Code § 7286(b)(1)). Examples may include, but are not limited to:

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- (a) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention;
- (b) Attempting to isolate and contain the subject;
- (c) Creating time and distance from the subject by establishing a reactionary gap and utilizing cover
- (d) Requesting additional resources, such as Crisis Intervention Team (CIT) trained officers, the Crisis/Hostage Negotiation Team, or additional control devices and tools
- (e) Identify resources available for help, assistance, and/or treatment
- (f) Using verbal and/or non-verbal communication skills, including rapport building, proper volume, tone, pace, demeanor, displays of empathy or understanding, providing explanations, and active listening;
- (g) Tactically re-positioning to maintain the reactionary gap, protect the public, and preserve officer safety;
- (h) Taking extended periods of time to resolve the incident without having to use force.
- (i) Utilizing procedural justice concepts, including fairness, civility, the giving of voice, transparency, and impartiality.

300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD OR CAROTID RESTRAINT

Officers of this department are not authorized to use a choke hold or carotid restraint. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5). A carotid restraint means a vascular neck restraint, or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves the risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

300.3.8 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a

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recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

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

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

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

- (a) An officer may use deadly force to protect 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.

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

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

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

300.4.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

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.

Officers shall enter the use of force into Blue Team according to the LPD Blue Team procedure.

300.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

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300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Unit Policy.

300.6 MEDICAL CONSIDERATIONS

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

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 ADMINISTRATIVE REVIEW

All reported applications of force shall be documented in Blue Team and reviewed according to the procedures developed by the Professional Standards Unit under the direction of the Operations Division Commander.

300.7.1 ADMINISTRATIVE LEAVE PENDING REVIEW

In the event the application of force or other employee action(s) result in serious bodily injury or death, the employee(s) directly involved shall be placed on paid administrative leave

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for a reasonable period of time depending on the circumstances. The Chief of Police or Division Commander of the affected employee(s) shall determine the appropriateness and duration of extended mandatory administrative leave, based upon the findings of the preliminary administrative investigation and the recommendation of the psychotherapist regarding the officer's readiness for field assignment. Generally, the length of administrative leave should not exceed the time remaining in the employee's current scheduled work week. An employee may request additional administrative leave time, subject to approval of the Chief of Police or affected Division Commander, based upon information provided to establish the need to grant the request.

The officer(s), upon being placed on administrative leave, shall be temporarily assigned to the Administrative Services Captain for the duration of the administrative leave.

During the administrative leave, the officer(s) shall maintain regular contact with the Professional Standards Unit Sergeant. Regular contact consists of once per weekday, unless other arrangements are approved or requested by the Administrative Services Captain. While the employee is off, their payroll hours will revert to Monday through Friday, 0800 hours to 1600 hours. Each employee shall be expected to remain available to the department by telephone during the listed hours.

If an employee has been on administrative leave for six months or longer, that employee shall report to the Training Unit Sergeant to ensure all policy and/or training mandates including weapon(s) qualifications have been met prior to returning to full duty.

300.8 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

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- (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.
- (i) The supervisor will complete a Supervisor Use of Force Review report using the LPD Blue Team supervisor use of force template.

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

In the event a supervisor is involved in a use of force application, another supervisor/manager of higher rank shall be responsible for the investigation.

- (a) If a supervisor/manager of higher rank is not available, a supervisor of equal rank may conduct the initial administrative information gathering process in the field. That supervisor will then forward the information to a higher-ranking supervisor/manager for a review and subjective analysis of the use of force.
- (b) The supervisor who used force should not direct a subordinate to conduct a use of force review. If a subordinate must conduct an initial administrative information gathering process in the field due to a lack of available resources, the subordinate shall not include a subjective analysis of the use of force. The subordinate's initial review shall be sent to a supervisor/manager of a rank higher than that of the involved supervisor for such analysis.
- (c) A supervisor involved in a use of force should not conduct any part of the investigation except for locating witnesses and obtaining contact information for any witness unable to remain at the scene.

300.8.1 WATCH COMMANDER RESPONSIBILITY

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

300.9 USE OF FORCE COMPLAINTS

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

300.10 TRAINING

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

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Subject to available resources, the Training Sergeant should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

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

300.11 USE OF FORCE ANALYSIS

At least annually, the Professional Standards Unit Sergeant, or other Operations Division Commander designee, 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.

300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

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

300.14 POLICY REVIEW

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

300.15 YEARLY POLICY REVIEW

This Policy was reviewed by Captain Boberg.

Critical Incident Review

302.1 PURPOSE AND SCOPE

It shall be the policy of the Livermore Police Department to review critical incidents for adherence to policy and for training purposes as outlined in this directive. Any and all comments/actions that result from the review process will be maintained in Blue Team or in the manner established by the applicable division commander.

302.2 PURPOSE

The purpose of this order is to establish policy and guidelines for review of the actions of employees involved in traffic collisions, firearm discharges, vehicle pursuits, or any incident deemed appropriate for such review by the Chief of Police.

The purpose of this policy is to evaluate incidents for the purpose of improving our training programs, and to discuss lessons learned from these events. This policy is not intended for the purpose of administrative review leading to disciplinary action.

If serious violations of law, rules, policies or procedures are suspected, said information shall be immediately referred to the Professional Standards Sergeant.

302.3 DEFINITIONS

Critical Incidents are defined as the following:

- (a) Use of force incidents subject to review are defined as any incident involving:
 - (a) The application of physical techniques or tactics (beyond minor restraint techniques, such as handcuffing), chemical agents, or weapons to another person.
- (b) Traffic collisions subject to review, are defined as any accident involving:
 - (a) Any person operating a City-owned vehicle.
 - (b) On duty personnel driving any vehicle whether personal, City-owned, rented or seized.
 - (c) Any collision within the city that results in the death of an involved party.
- (c) Firearm discharge incidents subject to review, are defined as any discharge of a firearm involving:
 - 1. Departmental employees.
 - 2. On or off duty.
 - 3. Including incidents at an approved range or other appropriate facility/location where there is an accidental discharge or injuries.
- (d) Incidents involving a vehicle pursuit subject to review are defined as any pursuit involving:
 - 1. Department employees.

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Critical Incident Review

2. Driving a marked or unmarked City vehicle.

302.4 REVIEW TIMELINE AND REPORTING FORMAT

- (a) Incident Review shall begin no longer than fifteen (15) days after the reported incident has occurred.
- (b) Incident Review findings shall be reported to the Chief of Police within ten (10) days after the review.
- (c) Incident Review Finding shall be in memorandum format and include the following:
 1. Determination as to whether the incident was intentional or unintentional (Firearm Discharges); avoidable or unavoidable (Traffic Accidents); and, whether the incident was within policy.
 2. Determination of any training issues.
 3. Identification of any mitigating factors.
- (d) Fatal traffic collision reviews should take place prior to the final approval of the collision investigation report. The review should include stakeholders from Risk Management, The City Attorney's Office, Traffic Engineering, and the appropriate police personnel.

302.5 POLICY REVIEW

This policy was reviewed by Captain Boberg.

Handcuffing and Restraints

305.1 PURPOSE AND SCOPE

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

305.2 POLICY

The Livermore 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.

305.3 USE OF RESTRAINTS

Only members who have successfully completed Livermore 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.

305.3.1 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.

305.3.2 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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Handcuffing and Restraints

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

305.3.3 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.

305.3.4 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.

305.4 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. As soon as 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.

305.5 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 allows for adequate ventilation and the restrained person can breathe normally. Officers should provide assistance during the movement

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

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

305.6 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.

305.7 APPLICATION OF BODY RESTRAINT DEVICES (WRAP)

The WRAP may be used to restrain a person when it is reasonable to do so during the course of detention, arrest, or transportation. Only body restraint devices approved by the Department shall be used.

In determining whether to use the WRAP, 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).
- (d) The WRAP is often utilized in conjunction with a soft helmet. The helmet is meant to reduce the likelihood of the subject injuring his/her head by intentionally or unintentionally striking it on the ground, the interior of the patrol car, or any other hard surface. When used, the helmet should only be secured with the attached elastic strap, and should not affect the subject's ability to breath or communicate.

305.7.1 GUIDELINES FOR USE OF BODY RESTRAINTS (WRAP)

When applying the WRAP, the following guidelines should be followed:

- (a) Generally, when the decision is made to utilize the WRAP, it should be applied in its entirety.

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- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position and secured with a seat belt when seated in a vehicle.
- (d) The restrained person should be continually monitored by an officer while in the WRAP. 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) If transported by emergency medical services, the investigating 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).

305.8 REQUIRED DOCUMENTATION

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

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

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

- (a) The factors that led to the decision to use restraints.
- (b) The types of restraint used.
- (c) That the restraints were checked for proper fit (and double locked if applicable).
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

305.9 TRAINING

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

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- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

305.10 POLICY REVIEW

This policy was reviewed by Lieutenant Boberg

Control Devices and Techniques

307.1 PURPOSE AND SCOPE

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

307.2 POLICY

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

307.3 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 feasible, a verbal warning and opportunity to comply shall 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.

307.4 RESPONSIBILITIES

307.4.1 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.

307.4.2 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.

307.4.3 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. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

307.5 BATON/IMPACT WEAPON GUIDELINES

This force option is considered to be non-lethal. They are tools that an officer could use against a violent or potentially violent subject for his/her own protection or the protection of others. They could also be used, when it would otherwise be reasonable to do so under the totality of the circumstances, to effect an arrest, prevent escape, or to overcome resistance. Injuries from impact weapons are more probable than with lower force options because of the blunt force trauma effect.

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 shall 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.

The following impact weapons are authorized for use by the Livermore police Department:

- (a) Department Issued Batons
 - (a) When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or vest. 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.
- (b) Flashlight
 - (a) The flashlight should be used as an alternative emergency impact weapon only. An Officer may use the flashlight to fend off an attack in circumstances where he/she is attacked without warning. The Officer should attempt to use other more effective impact weapons as soon as practical in these situations.

307.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander or 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.

[See attachment: First Aid and Decontamination Material Sheets.pdf](#)

307.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in,

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or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

307.7.1 OC SPRAY

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

307.7.2 PEPPER PROJECTILE SYSTEMS

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

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

Each application of a pepper projectile system shall be documented.. Unintentional discharges shall be promptly reported to a supervisor. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

307.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel. Officers should ensure their patrol vehicles are equipped with the proper decontamination equipment to include a spray bottle and a sealed container of water.

307.8 POST-APPLICATION NOTICE

Whenever tear gas, pava powder 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. The owner or responsible party for the residence or commercial building should be supplied the appropriate Material Safety Data Sheet (MSDS) for the chemical agent used in order to aid with the decontamination and clean-up. Refer to attached MSDS.

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307.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

307.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to achieve a legitimate law enforcement purpose when such munitions present a reasonable force option as outlined by law and department policy.

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.

307.9.2 DEPLOYMENT CONSIDERATIONS

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

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

A verbal warning of the intended use of the device shall 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

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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 shall 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.

307.9.3 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 or 40MM launcher and projectiles at the beginning of each shift to ensure that the launcher is in proper working order and the projectiles are of the approved type and appear to be free from defects. When deploying the kinetic energy projectile shotgun or 40mm launcher, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

40mm launchers and kinetic energy projectile shotguns shall be checked out to individual officers at the beginning of their shift by a supervisor or range staff member. A supervisor or range staff member shall check the launcher in at the conclusion of each shift. K-9 officers may be individually assigned a less lethal launcher on a permanent basis and this launcher does not need to be checked in or out daily as described above.

When it is not deployed, the launcher will be loaded to cruiser ready and properly and securely stored in the vehicle. For the kinetic energy projectile shotgun, cruiser ready is defined as 4 kinetic energy projectiles loaded in the magazine, the bolt closed on an empty chamber, and the launcher on safe. At the conclusion of their shift, the officer will unload all projectiles from the launcher and store them in the side saddle. For the 40mm launcher, cruiser ready is defined as the launcher closed on an empty chamber and the weapon on safe (if so equipped).

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.

307.10 TRAINING FOR CONTROL DEVICES

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

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.

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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.

307.11 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.

307.12 YEARLY POLICY REVIEW

This policy was reviewed by Lieutenant Boberg.

Conducted Energy Device

308.1 PURPOSE AND SCOPE

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

308.2 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.

308.3 ISSUANCE AND CARRYING TASER DEVICES

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

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

Officers shall only use the 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. Non-uniformed officers may secure the TASER device in the locked storage compartment of their vehicles.

Members carrying the TASER device should perform a spark test prior to every shift.

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

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- (c) Officers shall be responsible for ensuring that the issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the TASER device at the same time.

308.4 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.

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

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is not required to, display the electrical arc, or 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.

308.5 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.

308.5.1 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.
- (b) The subject has demonstrated, by words or action, an intention to be violent, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, non-violent displays of mental illness, or passive resistance, without other known circumstances or factors, are not good causes for the use of the TASER device.

308.5.2 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 obviously low body mass.
- (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).

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

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limited to supplementing the probe-mode to complete the circuit, or as a brief pain compliance technique. Officers utilizing any pain compliance technique should consider:

- (a) Whether the person can comply with the direction or orders of the officer.
- (b) 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 or that the technique was ineffective.

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

308.5.3 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.

308.5.4 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.

308.5.5 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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308.5.6 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. When a device has been utilized against a potentially dangerous domestic animal, the animal owner should be notified in order to seek possible veterinary care for the animal. If feasible, the darts should be collected and disposed of appropriately.

308.5.8 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.

308.6 DOCUMENTATION

Officers shall document all TASER device discharges in a related arrest/crime report and use of force database (Blue Team). Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

308.6.1 DOCUMENTATION AND REPORTING

Items that shall be included in TASER device-related reports are:

- (a) Date, time and location of the incident, along with identification of involved personnel and witness information.
- (b) Whether any display, laser or arc deterred a subject and gained compliance.
- (c) 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.
- (d) The range at which the TASER device was used.
- (e) The type of mode used (probe or drive-stun).
- (f) Location of any probe impact.
- (g) Location of contact in drive-stun mode.
- (h) Description of where missed probes went.
- (i) Whether medical care was provided to the subject.
- (j) Whether the subject sustained any injuries.
- (k) Whether any officers sustained any injuries.
- (l) Observations of the subject's physiological actions
- (m) Any known or suspected drug use, intoxication, or other medical problems

TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

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308.7 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 or video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

308.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor. Photographs of probe sites should be taken and witnesses interviewed. A supervisor's use of force review shall be completed, attached to the officer's Blue Team entry, and forwarded through the chain of command to the appropriate Division Captain.

308.9 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

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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 the Training Sergeant. 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 Sergeant is responsible for ensuring that all members who carry TASER devices have received initial and annual 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 Sergeant should ensure that all 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.

308.10 POLICY REVIEW

This policy was reviewed by Captain Boberg.

Officer-Involved Shootings and Deaths

309.1 PURPOSE AND SCOPE

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

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

309.2 POLICY

The policy of the Livermore Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

309.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

309.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

309.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Livermore Police Department would control the investigation if the suspect's crime occurred in Livermore.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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309.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

309.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

309.5 INVESTIGATION PROCESS

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

309.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved LPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

309.5.2 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

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

309.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practicable:

- Chief of Police
- Criminal Investigations Division Commander
- Officer Involved Shooting Protocol rollout team
- Outside agency investigator (if appropriate)

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- Professional Standards Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- PIO

309.5.4 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved LPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any LPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional LPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved LPD officer should be given an administrative order not to discuss the incident with other involved officers or LPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

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309.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved LPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-LPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the Department to each involved LPD officer. A licensed psychotherapist may also be provided to any other affected LPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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

Each involved LPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave.

309.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Watch Commander, or his/her designee, should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed. Notification may be made by calling the Los Angeles Regional Criminal Information Clearinghouse (LA CLEAR) at 1-800-LA CLEAR (1-800-522-5327).

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

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309.6 CRIMINAL INVESTIGATION

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

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

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

- (a) LPD supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of LPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

309.6.1 REPORTS BY INVOLVED LPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved LPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

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

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

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

309.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of 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 a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

309.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigative Bureau supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigative Bureau supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

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309.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of LPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

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6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

309.8 AUDIO AND VIDEO RECORDINGS

In the event of an officer involved shooting or death, PVRs data shall be uploaded to Evidence.com as soon as practicable. Depending on the circumstances and/or exigency, it may be necessary for personnel other than the involved officer to upload the data. This will be determined by the supervising officer on scene.

1. Personnel actively assigned to investigate the incident (such as the case detective) may, with supervisory authorization, review the involved personnel's PVRs data as part of the ongoing investigation.

2. During the investigation, the initial interview of an involved officer should occur before the officer has reviewed their PVRs recordings of the incident. Whether an officer reviews their PVRs recording(s) before or after providing an initial statement, it will be done so in private (or with legal counsel). If the officer reviews their PVRs recordings after providing an initial statement, they will have the opportunity to provide a follow-up statement as needed. When PVRs recordings are reviewed, officers should only review their own recording(s).

3. Investigators should be mindful that PVRs recordings have limitations and may depict events differently than the events recalled by an involved officer. If the Investigator shows any PVRs recordings to an involved officer, the Investigator should advise the involved officer about the scope of the PVRs recordings.

4. The following is an example of an appropriate advisement in a case involving video evidence:

"In this case, there is video evidence that you will have an opportunity to view. Video evidence has limitations and may depict the event differently than you recall, and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The frame rate of video may limit the camera's ability to capture movements normally seen by the human eye. Lighting, as seen on the recording, may be different than that which is seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. The video evidence is intended to assist your memory and your ability to recall and describe the incident. If viewing your PVRs recording(s) provides additional clarity to what you remember, that is fine; if it does not, that is also fine."

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309.9 CIVIL LIABILITY RESPONSE

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

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

309.10 DEBRIEFING

Following an officer-involved shooting or death, the Livermore Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

309.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administrative Services Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Professional Standards Unit personnel.

309.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

309.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Criminal Investigations Division Commander and Chief of Police in the event of inquiries from the media.

The Department shall not subject any involved LPD officer to visits by the media (Government Code § 3303(e)). No involved LPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain

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from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

309.12 REPORTING

If the death of an individual occurs in the Livermore Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

309.13 ADMINISTRATIVE REVIEW

An officer involved shooting review board will be assembled to review the case. The review board will be composed of the Chief of Police, Division Commanders, Force options Lieutenant, and the Training Sergeant. At the conclusion of the review, the Chief of Police will assign a Division Commander to write a disposition report. The disposition report should be completed within 120 days of the completion of the criminal and/or administrative investigation. Disposition categories shall be:

[Within Policy](#)

[Accidental](#)

[Negligent](#)

[Not Within Policy](#)

[The following additional categories could be added to the disposition:](#)

[Training Review Needed](#)

[Policy Review Needed](#)

[The disposition will be added to the internal affairs case file and the involved officer will be given written notification of the disposition.](#)

Within Policy

Accidental

Negligent

Not Within Policy

309.14 POLICY REVIEW

[This policy was reviewed by Captain Boberg 10/26/21](#)

Firearms

311.1 PURPOSE AND SCOPE

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

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.

311.2 POLICY

The Livermore 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.

311.3 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.

311.3.1 HANDGUNS

The authorized department-issued handgun is the Glock 17 and Glock 19, both 9 mm. The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Glock	17	9 mm
Glock	19	9 mm

311.3.2 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-15 or PWS MK1.

Members may deploy the patrol rifle in any circumstance where the member 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 member reasonably anticipates an armed encounter.

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- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking rack inside the patrol vehicle or secured in the trunk of the patrol vehicle.

311.3.3 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. 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 Training Manager, who will maintain a list of the information.

311.3.4 AUTHORIZED SECONDARY HANDGUN

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

- (a) Only one secondary handgun may be carried at a time.
- (b) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (c) 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.
- (d) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (e) 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.

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- (f) 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.
- (g) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Training Manager, who will maintain a list of the information.

311.3.5 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy (Section 311.3.3). A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member 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.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Training Manager, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their Livermore Police Department identification card and should carry their department issued badge or flat-badge.

311.3.6 AMMUNITION

Members shall carry only department-authorized ammunition.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be issued fresh duty ammunition by the Range Master.

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311.4 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.

311.4.1 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.

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

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.

311.4.2 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.

311.4.3 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.

311.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications by a member of the range staff. Once approved sights 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.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

311.5 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 as instructed by the Rangemaster or other firearms training staff.

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- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. Absent a life threatening emergency, no one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (e) 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.
- (f) 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 a Armorer approved by the Department 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.

311.5.1 INSPECTION AND STORAGE

Handguns shall be inspected by an armorer 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.

Firearms may be safely stored in lockers or another approved location at the end of the shift. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in lockers or another approved location at the end of shift. Approved locations include the armory, SWAT room, or area which would prevent unauthorized individuals from accessing department firearms.

311.5.2 STORAGE AT HOME

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

Department issued firearms will be at work when the employee is at work and stored in the appropriate location according to this policy.

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311.5.3 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.

311.5.4 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).

311.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete firearms training with their duty firearms. In addition to the firearms training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms annually. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

311.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

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

311.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and

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Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

- (a) If on-duty at the time of the incident, the member shall file a written report in Blue Team and forward it up the chain of command or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed by a supervisor.
- (b) If off-duty at the time of the incident, a written report shall be submitted in Blue Team or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

311.7.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members 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 member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

In these circumstances, officers will complete a police report documenting what occurred and complete a Blue Team entry.

311.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

In these circumstances, officers will document this in CAD detailing supervisor approval.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. 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 (Penal Code § 597.1).

311.7.3 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

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311.8 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 Sergeant 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.

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

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

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- (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.
- (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.

311.10 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 Livermore 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.

311.11 POLICY REVIEW

This policy was reviewed by Sergeant Lendman

Operational Readiness and Inspection

312.1 PURPOSE AND SCOPE

This policy describes the responsibilities of agency personnel and units for maintaining operational readiness.

312.2 POLICE FACILITY AND SYSTEMS

The Support Division Captain is ultimately responsible to assure operational readiness is maintained for the police facility and its systems.

312.2.1 FACILITY EMERGENCY POWER GENERATOR

The Facilities Manager shall ensure that an emergency generator test and readiness procedure is in place and followed. Testing of the emergency power generator shall be conducted at least once per quarter.

312.2.2 COMMUNICATIONS CENTER

The Facility Manager shall ensure that procedures are developed and followed regarding the maintenance, training, and testing of the following systems:

- Fire Suppression System
- Telephone and Radio Recording Systems
- Facility Video Systems

The Support Services Manager shall ensure that procedures are developed and followed regarding the maintenance, training, and testing of the following systems:

- Emergency Callout Lists/Process
- Emergency Operations Center Activation (Callout/Notification)
- The Communicator System
- Radio Interoperability Systems
- Mutual Aid Request Systems (Law and Fire)
- Reverse 911 System

312.2.3 EMERGENCY OPERATIONS CENTER

The Support Services Captain is responsible for developing procedures to ensure the readiness of the Emergency Operations Center (EOC). The procedure shall include lists of available equipment to be on hand, inventory and serviceability procedures, and overall stand-up tests. The EOC shall be activated and stood-up at least annually to ensure systems are functional and appropriate. An operational activation of the EOC may fulfill this requirement if the appropriate after action review is completed in writing.

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312.3 RESPONSIBILITIES

Division Commanders are responsible for the operational readiness of all assets under their command. Beyond this policy, Division Commanders shall ensure that procedures are developed, maintained, and adhered to on all systems, facilities, and assets under their control.

Operational readiness in general means having a system, facility, or asset in a condition to be immediately accessed and deployed for its intended purpose. Every system should have one or more operational employee(s) responsible for its readiness. The following should be considered in regard to operational readiness:

- Located where it can be accessed
- In a tested and functioning condition
- Identified frequency of testing and maintenance
- Adequate stock or inventory on hand
- Stock replaced at the end of life limits
- User identified and adequately trained to access and operate
- Procedures to access and deploy are clearly published
- Procedures established to address failure of asset
- System for reporting lack of readiness

312.4 OPERATIONS DIVISION ASSETS

At minimum the following assets are maintained in a readiness state:

Vehicles-

- Marked Patrol Vehicles
- Unmarked Patrol Vehicles
- Patrol Supervisors Vehicles
- Unmarked Detective Vehicles
- Community Service Specialist Vehicles
- SWAT Vehicles
- Community Outreach Vehicle (COV)
- Animal Control Officer Vehicles
- K-9 Officer Specific Vehicles
- Police Motorcycles
- Transport Van
- Patrol Bicycles

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Equipment-

- Tasers™
- Distraction Devices (Flash Bangs and Smoke)
- Munitions (Standard and Less Lethal)
- Firearms
- Portable Alcohol Screening (PAS) Devices
- Specialized Patrol Equipment
- Specialized Investigations Equipment

312.5 SUPPORT SERVICES DIVISION ASSETS

At minimum, the following assets are maintained in a readiness state:

Vehicles-

- Unmarked Support Vehicles
- Volunteer Vehicles
- Unmarked Administrative Staff Vehicles
- Traffic Trailer
- Motorcycle Education Trailer
- Radar Trailers

Equipment-

- Portable Radios
- Livescan Device
- Specialized Traffic Unit Equipment
- Audio Visual Observation Equipment
- Specialized Field CSI Equipment and Supplies
- Specialized Evidence Laboratory Equipment and Supplies
- Patrol Officer Issued-Equipment Replacement Inventory
- Patrol Vehicle Supply Inventory
- Patrol Supplies
- Document and Forms Supply
- Office Supplies
- Evidence Packaging Room Supplies

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312.6 PATROL TEAM AND UNIT LINE INSPECTIONS

Although it is the overall responsibility of the Division Commanders to ensure critical personnel and equipment are ready when needed, it is the supervisors that shall carry out the responsibility on a daily basis. Patrol and unit supervisors shall perform line and unit inspections in accordance with the procedure manual and the frequency specified therein. In addition, patrol and unit supervisors are responsible for the condition of those employees and assets under their leadership.

Command Staff may call for a random inspection of any unit at any time.

312.7 POLICY REVIEW

This policy was reviewed by Captain Sarsfield on 3/23/16

Vehicle Pursuits

313.1 POLICY

It is the policy of this department to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

313.2 PURPOSE AND SCOPE

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

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.

313.2.1 DEFINITIONS

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

Box-in - A tactic to prevent a violator's vehicle from moving by boxing in the violator's vehicle with law enforcement vehicles and conducting a high-risk stop maneuver. The application of the Box-In technique by patrol is an option for preventing pursuits and should generally be applied to situations involving non-violent offenders or unarmed suspects where the vehicle is parked and not in motion..

A Pursuit Prevention Technique (PPT) - is an attempt to prevent a pursuit from taking place by removing the ability of a suspect to flee in a motor vehicle through the tactical application of the Box-In technique or the use of tire deflation devices.

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

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

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

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

Tire deflation device - A device that extends across the roadway designed to puncture the tires of the pursued vehicle, sometimes referred to as spike strips. Additionally, a tire deflation device may be a stationary device designed to be placed adjacent to a non-moving vehicle's tire(s) in anticipation that it might become mobile.

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

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

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

313.3 PURSUIT PREVENTION

A Pursuit Prevention Technique (PPT) is an attempt to prevent a pursuit from taking place by removing the ability of a suspect to flee in a motor vehicle through the tactical application of the Box-In technique or a tire deflation device. The application of the Box-In technique should be limited to stationary vehicles only, non-violent offenders, and should generally not be used for vehicles in motion. When utilizing the Box-In technique, officer should seek supervisor approval.

While there is no way to discuss every possible scenario, the Box-In technique utilized by patrol officers could be used in the following situations:

- (a) DUI suspect passed out at a stop light or parked with the vehicle running
- (b) Stolen vehicle suspect parked
- (c) Property Crime suspect
- (d) Person with non-violent warrants
- (e) Execution of search warrants and probation searches where it is identified the offenders are inside a vehicle and have the potential to flee

If the offender is identified as a person who is wanted for a violent crime or is considered armed, officers should consult with their supervisor and consider different options such as the use of the armored vehicle (ARV).

313.4 PURSUIT UNITS

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

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

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit, but should remain alert

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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.

313.4.1 MOTORCYCLE OFFICERS

When involved in a pursuit, police department motorcycles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

313.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

313.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless the officer is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

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

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

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

313.4.4 SECONDARY UNIT RESPONSIBILITIES

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

- (a) Immediately notifying the dispatcher of entry into the pursuit.

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

313.4.5 PURSUIT DRIVING

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

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

313.4.6 PURSUIT TRAILING

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

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313.4.7 AIR SUPPORT ASSISTANCE

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

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

313.4.8 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.

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.

313.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

- (a) Notifying involved unit and the dispatcher of supervisory presence as soon as practicable and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.

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- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Livermore Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
- (l) Supervisors should initiate follow up or additional review when appropriate.

313.5.1 WATCH COMMANDER RESPONSIBILITIES

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. Once notified, 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.

313.6 THE COMMUNICATIONS CENTER

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

313.6.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

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

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

313.6.2 LOSS OF PURSUED VEHICLE

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

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313.7 INTER-JURISDICTIONAL CONSIDERATIONS

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

313.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

313.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a supervisor may authorize units from this department to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of Livermore Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

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

Assistance to a pursuing allied agency by officers of this department will terminate at the City 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 terminates within this jurisdiction, officers should 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 reasonable assistance requested or needed.

313.8 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

313.8.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a vehicle pursuit when there is reasonable suspicion to believe the suspect, before the attempted traffic stop, committed a felony and/or misdemeanor. A vehicle pursuit should not be initiated for an infraction only.

Factors that should be considered in deciding whether to initiate a pursuit include:

- (a) The 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) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and officer vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).

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- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

313.8.2 WHEN TO TERMINATE A PURSUIT

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

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

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

313.8.3 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 should take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.

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

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.

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

313.9 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

313.9.1 USE OF FIREARMS

An officer

shall only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the 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 (see the Use of Force Policy).

313.9.2 INTERVENTION STANDARDS

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

- (a) Blocking should only be used after giving consideration to the following:
 1. The technique should only be used by officers who have received training in the technique.
 2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 3. It reasonably appears the technique will contain or prevent the pursuit.
- (b) The PIT should only be used after giving consideration to the following:
 1. The technique should only be used by officers who have received training in the technique, including speed restrictions.
 2. Supervisory approval should be obtained before using the technique.
 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 4. It reasonably appears the technique will terminate or prevent the pursuit.

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- (c) Ramming a fleeing vehicle should only be done after giving consideration to the following:
 - 1. Supervisory approval should be obtained before using the technique.
 - 2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 3. It reasonably appears the technique will terminate or prevent the pursuit.
 - 4. Ramming may be used only under circumstances when deadly force would be authorized.
 - 5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

- (d) Tire deflation devices should only be used after considering the following:
 - 1. Tire deflation devices should only be used by officers who have received training in their use.
 - 2. Supervisory approval should be obtained before using tire deflation devices.
 - 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 4. It reasonably appears the use will terminate or prevent the pursuit.
 - 5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
 - 6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.

- (e) Roadblocks should only be used after considering the following:
 - 1. Supervisory approval should be obtained before using the technique.
 - 2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 3. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
 - 4. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

313.9.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force,

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which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

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

313.10 REPORTING REQUIREMENTS

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

- (a) The primary officer should complete appropriate crime/arrest reports, and Blue Team Entry.
- (b) The supervisor shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the supervisor for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable, the on-duty field supervisor shall promptly complete a Supervisory Pursuit Review, briefly summarizing the pursuit to the Division Commander or the authorized designee. This Supervisory Pursuit Review should include, at a minimum:
 1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and officers.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at scene or who handled the incident.
 11. A subjective analysis of whether the initial review of the pursuit led the supervisor to believe it was within policy
 12. Any identified training issues related to the pursuit

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- (d) The supervisor shall complete a Blue Team Supervisor Review of the pursuit using the Vehicle Pursuit Supervisor Review template and forward their Vehicle Pursuit Supervisor Review to the Division Commander, via the chain of command in Blue Team.

In the event a supervisor is involved in a vehicle pursuit, a supervisor of higher rank shall be responsible for conducting the investigation.

- (a) Under no circumstances shall a direct subordinate of the supervisor conduct the investigation.
- (b) A supervisor involved in a vehicle pursuit shall not conduct any part of the investigation.

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

313.10.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

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

313.10.2 POLICY REVIEW

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

313.11 APPLICATION OF VEHICLE PURSUIT POLICY

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

313.12 YEARLY POLICY REVIEW

This policy was reviewed by Captain Boberg.

Officer Response to Calls

315.1 PURPOSE AND SCOPE

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

315.2 RESPONSE TO CALLS

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

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

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

315.2.1 RADIO CODE ASSIGNMENTS 1, 2, AND 3

1. Code 1 - At your convenience: All routine radio calls are assumed to be Code 1 unless the officer is directed otherwise by the radio dispatcher, another officer, field supervisor or watch commander.
2. Code 2 - Urgent: The response to this code is immediate. All traffic regulations and rules of the road shall be adhered to.
3. Code 3 - Emergency: The response to this code is immediate and the use of red lights and siren is authorized.

Radio dispatchers shall not assign codes to calls unless instructed to do so by a supervisor. Radio dispatchers shall provide the officers with sufficient information relating to the severity of the situation so that the responding officer may make the best decision relative to the mode of response.

Officers responding Code 3 shall immediately advise radio of that fact and inform radio of the location they are responding from.

315.2.2 EMERGENCY CALLS

An emergency that may warrant "Code 3" response includes incidents that pose an immediate and significant danger to the public, life-threatening situations, responding to another officer's request for immediate assistance or other incidents requiring quick police response where the hazards posed by a delay outweigh the hazards of an emergency "Code 3" response.

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315.3 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

315.3.1 NUMBER OF UNITS ASSIGNED

Generally, one unit should respond to an emergency call Code-3 unless circumstances dictate that additional units are needed and it is approved by the Watch Commander or the field supervisor.

315.4 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. The Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

315.5 RESPONSIBILITIES OF RESPONDING OFFICERS

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify 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 immediately give the location from which he/she is responding.

315.6 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

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- (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

315.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response
- (c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

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

315.8 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.

315.9 POLICY REVIEW

[This policy was reviewed by Sergeant Reynolds 11/08/15](#)

Canines

317.1 PURPOSE AND SCOPE

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

317.2 POLICY

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

317.3 ASSIGNMENT

The Canine Handler position is a supplemental assignment to the primary duties of a Patrol Officer. An Officer assumes the duties and responsibilities of a Canine Handler in addition to, and not in place of, their regularly assigned duties as a Patrol Officer.

317.4 CANINE COMMANDER

The Canine Commander has managerial oversight of the Canine unit. These managerial responsibilities include, but are not limited to unit policy development and oversight, budget oversight, training considerations, and other managerial duties as assigned. The Canine Commander is appointed by the Operations Division Commander and will hold the rank of lieutenant.

317.5 CANINE SUPERVISOR

The canine coordinator shall be appointed by and directly responsible to the Operations Division 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 a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine supervisors.
- (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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- (i) Attending canine training on a regular basis to ensure the canine teams are functioning to standard.
- (j) Conducting quarterly audits of detection training aids, including explosives, narcotics, and firearms.

317.5.1 TERMS OF SERVICE

Should a Canine handler leave or be removed from the program during the period in which the canine is deemed still suitable for police service work, the handler may have the opportunity to purchase the dog on a pro-rated basis for its cost.

Upon retirement of a canine, the handler has the opportunity to purchase the canine and kennel as surplus property from the City for one dollar (\$1.00). The employee shall submit the Police K-9 Retirement Memorandum (Attachment "A") to the Chief of Police via the appropriate chain of command. The memorandum shall outline the age of the canine and retirement date.

Upon approval from the Chief of Police the handler will pay the fee and complete the Disposition of Police K-9 Agreement.

317.6 REQUESTS FOR CANINE TEAMS

Operations Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Division shall be reviewed by the [watchCommander]

Where any of the apprehension guidelines listed in Section 317.6 are present, the requesting supervisor should consider having the requested unit(s) respond Code 3, as allowed under 21055(a) CVC.

317.6.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by a supervisor 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) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.
- (e) The handler should have the option to use one or two members from their own agency to assist on any outside request to ensure coordination during deployment.

317.6.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine supervisor prior to making any resource commitment. The canine supervisor is responsible for

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obtaining resources and coordinating involvement in the demonstration to include proper safety protocols.

317.6.3 ASSIGNED POLICE CANINE CAR

Canine Handlers will be assigned to a specially modified marked patrol car for their use. Handlers are allowed to use their assigned car to travel to and from their residence to work, court, demonstrations and other work-related assignments. While parked at the handler's home, the canine car is to be kept in a secured garage or behind a fence out of public view.

317.7 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or by words or actions has threatened 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.

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

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents 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, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

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317.7.1 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 reasonably available at the time. The information should include, but is not limited to:

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

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.

317.7.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, two clearly audible warnings 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 and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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

317.7.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a use of force report and Blue Team use of force entry. The injured person shall be promptly treated by Emergency Medical Services personnel and,

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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 Unintended bites or injuries caused by a canine should be documented in an Animal Services bite report, not in a canine use of force report.

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

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

317.8 NON-APPREHENSION GUIDELINES

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

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

317.8.1 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.

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317.8.2 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.

317.8.3 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, 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.

317.8.4 CANINE FTO PROGRAM

Canine Handlers who successfully complete the Basic Canine Handler Course shall be assigned to the Canine FTO Program during their first week assigned to patrol. The Canine Unit Supervisor or his/her designee is responsible for conducting FTO training for the canine handlers.

317.8.5 REQUIRED CANINE UNIT SUPERVISOR NOTIFICATION

Canine handlers shall notify the Canine Unit Supervisor when any of the following occur:

- (a) In all cases of bites or injury resulting from the use of a police service dog.
- (b) If the police service dog becomes sick or injured and requires medical attention or is unable to work.
- (c) Prior to attending any canine competition, the handler must receive approval from the Canine Supervisor.

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- (d) Prior to attending any canine related training other than that provided by the department's recognized trainer, handlers shall first route all requests to attend any canine related trainings, schools or seminars through the Canine Unit Supervisor.

317.9 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (c) A garage or yard that can be secured and can accommodate a canine vehicle.
- (d) Living within 60 minutes travel time from the Livermore City limits.
- (e) Agreeing to be assigned to the position for a minimum of five years.

317.10 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, or yard and away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Livermore Police Department facility.
- (e) Handlers shall permit the canine supervisor or 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 supervisor 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 supervisor or Watch Commander.

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- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine supervisor, coordinator, or Watch Commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine supervisor so that appropriate arrangements can be made.
- (l) If the canine accompanies the handler and his/her family on any trips away from the family home, prior supervisory approval shall be obtained.

317.10.1 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 canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

317.11 HANDLER COMPENSATION

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

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).

317.12 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 supervisor or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

317.13 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. Because canines may be exposed to dangerous substances such as opioids,

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as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

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

317.13.1 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 Livermore Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in 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 the Department.

317.13.2 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.

317.13.3 TRAINING RECORDS

Each time a canine is used or a request to use a canine is made, a Canine Handler will document the activity in their Canine Log. This includes on or off duty use, public appearances, training , etc.

317.13.4 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. Alternatively, the Livermore Police Department may work with outside trainers with the applicable licenses or permits.

317.13.5 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 Livermore 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.

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

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

317.13.6 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. A Thermo Scientific TruNarc analyzer should be used for the rapid identification of the controlled substance training samples through the sealed packaging. The results of the quarterly testing shall be recorded and maintained by the canine supervisor with a copy forwarded via the chain of command to the Chief of Police or his/her designee and the Professional Standards Unit.
- (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 locked storage area of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container at the Livermore Police Department. There should be one key for the appropriate locked container and that key will be maintained by the canine supervisor. Upon the completion of training, controlled substance training samples shall be immediately returned to the appropriate locked container, or within twenty-four hours with supervisory approval. There are no exceptions to this procedure.
- (f) The canine supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

317.13.7 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).

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Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine supervisor shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine supervisor, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

317.14 POLICY REVIEW

This policy was reviewed by Lieutenant Ratcliffe on 02/26/2023

Domestic Violence

319.1 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.

319.1.1 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.

319.2 POLICY

The Livermore 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.

319.3 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.

319.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.

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

319.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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- (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.

319.4.2 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.

319.4.3 DOCUMENTATION PROCESS OF COURT ORDERS

Department members serving court orders will document the service in the appropriate report prior to the end of their shift, unless approved by a supervisor. The supervisor is responsible for submitting the report and associated paperwork to the Records Bureau for processing and return to court.

319.5 VICTIM ASSISTANCE

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

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

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

319.6 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.

319.7 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 or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

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

319.8 VERIFICATION OF COURT ORDERS

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

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

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Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

319.9 REPORTS AND RECORDS

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

319.10 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 Supervisor to maintain and report this information as required.

319.11 SERVICE OF COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) 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)).

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- (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 order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

319.12 PUBLIC ACCESS TO POLICY

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

319.13 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).

319.14 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
 - 1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
 - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)

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2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 4. Penal Code § 646.9 (stalking)
 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
1. The intent of the law to protect victims of domestic violence from continuing abuse.
 2. The threats creating fear of physical injury.
 3. The history of domestic violence between the persons involved.
 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).

319.15 REVIEW

This policy was reviewed by Captain Boberg

Search and Seizure

321.1 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 Livermore Police Department personnel to consider when dealing with search and seizure issues.

321.2 POLICY

It is the policy of the Livermore 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.

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.

321.3 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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321.4 SEARCH PROTOCOL

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

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

321.4.1 RECORDING OF CONSENT

If a consent to search form is not used and signed by the individual controlling the item(s) or area to be searched, officers should utilize other methods to record the consent given (audio or audio/video recordings).

321.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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321.6 PAT-DOWN SEARCHES

Upon lawful detention of an individual, an officer may conduct a limited search of the individual's person for firearms or other deadly weapons, if the officer concludes, based upon articulable facts, that the person detained may be armed and presently dangerous to the officer or others (Penal Code § 833.5).

321.7 MOVABLE VEHICLE EXCEPTION

The warrantless search of a vehicle can occur when:

- The owner or person in possession of the vehicle gives consent to search
- The vehicle has been stopped or encountered for a legitimate law enforcement reason, and
- The officer has probable cause to believe that there is contraband or other illegal items contained within the vehicle, and
- The item(s) to be searched for are, or could be, within the portion of the vehicle to be searched.

321.8 SCENE OF A CRIME

Officers may search at the scene of a crime under the following circumstances:

- With Consent
- Contemporaneous to a lawful arrest, the arrestee and the area immediately surrounding the arrestee, if it is likely to contain weapons or evidence of the crime under investigation. This includes the interior compartment of a car and all of its contents if the arrestee had immediate access to the passenger compartment at the time of the arrest.
- If the location to be searched is open to the public.
- Under exigent circumstances.
- With a valid signed search warrant.

321.9 PROBATION SEARCHES

Probation searches shall be conducted in accordance with the terms and conditions of the subject's probation and must be done in a reasonable manner.

Authorization from the subject's probation officer is not required as long as the probation terms allow for search "By any law enforcement officer." No reasonable suspicion is necessary before conducting the search.

Probation searches shall be done for legitimate law enforcement purposes and shall not be used for the purpose of harassment.

The "Knock and notice" requirement exists when searching the residence of a probationer.

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Search and Seizure

321.10 PAROLE SEARCHES

Parole is in lieu of continued incarceration. The person, residence, and property under the control of a parolee are subject to search at any time by an agent of the Department of Corrections or any law enforcement officer.

Although it is not required, it is suggested that the officer intending to conduct a parole search first contact the subject's parole agent, if practical to do so.

Parole searches shall be done for legitimate law enforcement purposes and shall not be used for the purpose of harassment.

The "Knock and notice" requirement exists when searching the residence of a parolee.

321.11 EXIGENT CIRCUMSTANCES

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

- (a) Imminent danger of injury or death
- (b) Serious damage to property
- (c) Imminent escape of a suspect
- (d) The destruction of evidence, if that evidence is reasonably related to a jailable crime.

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

321.12 POLICY REVIEW

This policy was reviewed by Lt. Boberg on 08/11/2020

Juvenile Operations

322.1 PURPOSE AND SCOPE

This policy is to establish guidelines and operational procedures for the department regarding aspects of preventing and combating juvenile delinquency.

322.2 RESPONSIBILITY OF DEPARTMENT MEMBERS

The Livermore Police Department recognizes the importance of preventing and combating juvenile delinquency. The department also further recognizes that traditional methods for dealing with juveniles are not sufficient. To meet the commitment to provide exceptional services to the community, the department participates in preventive programs and actions designed to prevent young people from developing criminal tendencies.

Officers have a wide range of alternatives that they may employ when dealing with juvenile offenders, from warnings to physical arrest. Officers should use the least coercive alternative that is appropriate when deciding what action to take with juvenile offenders. Furthermore, it is the policy of the Livermore Police Department to implement problem solving strategies through positive programs to deal with delinquency and youth crime.

All employees share in the responsibility for participating in and supporting the juvenile operations function to ensure that the appropriate action is taken in all cases where juveniles come to the attention of the department. All sworn personnel will maintain a working knowledge of the California Welfare and Institutions Code concerning the handling of juveniles and familiarize themselves with the various support programs the Juvenile Court uses, including but not limited to, the Horizons Program. Each officer assists, as applicable, in the design and implementation of programs intended to prevent and control delinquent and criminal behavior by juveniles.

322.3 JUVENILE SPECIALISTS - SCHOOL RESOURCE OFFICERS

The Livermore Police Department recognizes the importance of having employees who are specially trained regarding the Juvenile Justice System. The School Resource Officers (SRO's) serve as the department's juvenile specialists and are assigned to the Operations Division. The SRO's assist in the development and implementation of delinquency prevention programs and act as the liaison between the department, schools, and other components of the Juvenile Justice System. This relationship ensures the department's juvenile policies and procedures are consistent with other agencies within Alameda County.

322.3.1 OUTSIDE COMMENT AND INPUT ON JUVENILE POLICIES

The School Resource Officer shall act as a liaison between the police department and other juvenile agencies within Alameda County. The School Resource Officer will encourage other agencies to review and comment on policies and procedures pertaining to juveniles. This activity may be formal or informal as the opportunity becomes available. The School Resource Officer is responsible to submit comments through the chain of command.

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Juvenile Operations

322.4 JUVENILE POLICY DEVELOPMENT AND REVIEW

The Criminal Investigations Lieutenant or their designee shall meet annually with school district administration to review and obtain feedback on relevant juvenile and school resource programs currently in place. The Criminal Investigations Lieutenant shall prepare a report summarizing the results of the meeting. The report shall be submitted to the Operations Division Commander within 30 days of the completion of the meeting.

322.5 POLICY REVIEW

This policy was reviewed by Officer Rios 11/23/15

Temporary Custody of Juveniles

323.1 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 Livermore Police Department (34 USC § 11133).

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

323.1.1 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).

323.2 POLICY

The Livermore 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 Livermore Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

323.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Livermore Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the Livermore Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

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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).

323.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

323.3.2 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).

323.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Livermore 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 Livermore 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 Livermore Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

323.4.1 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 Livermore 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).

323.4.2 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

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the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

323.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Livermore 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).

323.5 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-

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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).

323.6 JUVENILE CUSTODY LOGS

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

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Livermore Police Department (15 CCR 1150).
- (c) Watch Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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

323.7 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.

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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 Livermore 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).

323.7.1 INFORMATION IN REGARD TO THE JUVENILE JUSTICE SYSTEM

Officers should make reasonable efforts to explain the juvenile justice process to juveniles and their parents or guardians when a juvenile has been detained and processed into the system by citation or petition.

323.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Livermore 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 Livermore Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Livermore 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.
 - 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).

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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).

323.9 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 Livermore Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

323.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Livermore Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Livermore Police Department.

323.11 SECURE CUSTODY

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

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

- (a) Age, maturity, and delinquent history

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- (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).

323.11.1 LOCKED ENCLOSURES

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

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

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

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- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

323.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Livermore Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Criminal 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).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

323.13 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.

323.13.1 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):

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- (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.
- (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).

323.14 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Livermore Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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

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323.15 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the Livermore Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

323.16 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

323.17 POLICY REVIEW

This policy was reviewed by Captain Sarsfield.

Senior and Disability Victimization

325.1 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 Livermore Police Department members as required by law (Penal Code § 368.6).

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

325.1.1 DEFINITIONS

Definitions related to this policy include:

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

Department protocols (or protocols) - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

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

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

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

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability

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- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

325.2 POLICY

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

325.2.1 ARREST POLICY

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

325.2.2 ADHERENCE TO POLICY

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

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

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

325.3 INVESTIGATIONS AND REPORTING

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.

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- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an

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autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

325.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

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

- (a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- (c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

325.4 QUALIFIED INVESTIGATORS

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

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
- (c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).
 - 1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).

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2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

325.5 MANDATORY NOTIFICATION

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

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

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

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
 4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
- (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

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

The Investigative 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).

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

325.5.1 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.

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- (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.

325.6 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, 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 elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

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

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

325.6.1 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)).

325.6.2 VERIFICATION OF PROTECTIVE ORDER

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

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

325.7 INTERVIEWS

325.7.1 PRELIMINARY INTERVIEWS

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

325.7.2 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:

- (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.

325.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

325.8 MEDICAL EXAMINATIONS

When an elder or dependent adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

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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.

325.9 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 elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

325.9.1 SUPERVISOR RESPONSIBILITIES

The Investigative 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.
- (b) Activate any available interagency response when an officer notifies the Investigative 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.

325.9.2 OFFICER RESPONSIBILITIES

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

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

325.10 TRAINING

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.

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- (e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
- (f) Availability of victim advocates or other support.

325.10.1 MANDATORY TRAINING

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

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

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

325.11 RECORDS BUREAU RESPONSIBILITIES

The Records Unit is responsible for:

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

325.12 JURISDICTION

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

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

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

325.13 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or

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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, 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.

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

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.

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- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 - 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 - 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
 - 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 - 4. Incest, as defined in Section 285 of the Penal Code.
 - 5. Sodomy, as defined in Section 286 of the Penal Code.
 - 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 - 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 - 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 - 1. For punishment.
 - 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 - 3. For any purpose not authorized by the physician and surgeon.

325.14 CHIEF OF POLICE RESPONSIBILITIES

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

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

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

325.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

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

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

325.16 POLICY REVIEW

This policy was reviewed by Captain Boberg

Discriminatory Harassment

327.1 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.

327.2 POLICY

The Livermore 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.

327.3 DEFINITIONS

Definitions related to this policy include:

327.3.1 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 actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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

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

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327.3.2 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.

327.3.3 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 Civil Rights Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

327.3.4 RETALIATION

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

327.4 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 standards, and the best interest of the Department and its mission.

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

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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

327.4.1 SUPERVISOR RESPONSIBILITIES

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

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Director of Administrative Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

327.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional 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.

327.4.3 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 Director of Administrative Services, the City Manager, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

327.5 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

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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.

327.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's 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.

327.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, 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 an 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, the Director of Administrative Services, or the City Manager.

327.5.3 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 against, 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.

327.6 TRAINING

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

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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.

327.6.1 STATE-REQUIRED TRAINING

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

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

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

327.6.2 TRAINING RECORDS

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

327.7 WORKING CONDITIONS

The Administrative 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).

327.8 REQUIRED POSTERS

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

327.9 POLICY REVIEW

This policy was reviewed by Captain Boberg

Child Abuse

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Livermore Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

329.1.1 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).

329.2 POLICY

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

329.3 MANDATORY NOTIFICATION

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

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

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

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. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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

329.3.1 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.

329.4 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).

329.5 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.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

329.5.1 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).

329.6 PROTECTIVE CUSTODY

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

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

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

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

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

329.6.1 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.

329.6.2 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.

329.7 INTERVIEWS

329.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with the reporting party of the suspected child abuse. If the reporting party is the victim, officers should not record their interview with the victim. Officers should avoid multiple interviews with a child victim and should only attempt to gather only the information necessary to begin an investigation (CORPUS interview). 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.

329.7.2 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.

329.7.3 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).

329.8 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.

329.9 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.

329.9.1 SUPERVISOR RESPONSIBILITIES

The Investigative 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 Investigative 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.

329.9.2 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 Investigative Bureau supervisor so an interagency response can begin.

329.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

329.10.1 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).

329.10.2 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

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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.

329.10.3 CACI HEARING OFFICER

The Investigative 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.

329.10.4 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.

329.10.5 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).

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329.11 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.

329.12 ATTACHMENTS

See attachment: [Sexual and Physical Abuse Protocol.pdf](#)

329.13 POLICY REVIEW

This policy was reviewed by Captain Boberg

Child Custody Orders

330.1 PURPOSE AND SCOPE

To assure compliance with the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and to assist the Livermore Police Department in its enforcement of child custody orders issued by out-of-state courts.

330.2 POLICY

It shall be the policy of the Livermore Police Department to recognize and enforce child custody orders by courts of other states that exercise jurisdiction in substantial conformity with UCCJEA or otherwise satisfy its jurisdictional standards. Once California recognizes an out-of-state court's child custody order, all appropriate remedies available under California Law may be utilized for enforcement.

330.3 PROCEDURE

330.3.1 ENFORCEMENT

To be recognized for enforcement in California, the UCCJEA requires that a child custody order issued by an out-of-state court be registered with, and confirmed by an appropriate California court, (Family Code § 3445). An order by an out-of-state court is registered in California by sending a letter requesting registration to a California court along with a certified copy of the out-of-state order.

Absent registration and confirmation in California courts, the UCCJEA provides that an out-of-state court's child custody order is not enforceable by a California Court. Do not attempt to enforce an order that exceeds the authority of a California Court.

330.3.2 PETITION FOR ENFORCEMENT

A request for registration may also be accompanied by a petition for enforcement. Family Code §§ 3445(a) and 3448. Upon receipt of the petition, the court will order the respondent to appear in person for a hearing where the court may order the respondent to deliver, and the petitioner to take, immediate physical custody of the child.

330.3.3 APPLICATION FOR CHILD CUSTODY WARRANT

The UCCJEA also provides for taking immediate physical custody of a child that is imminently likely to suffer serious physical harm or be removed from California (Family Code § 3451).

In addition to submitting a request to register the order and a petition for enforcement, an applicant may also file a verified application with the court for the issuance of a warrant to take immediate physical custody of the child.

Once issued by a California court, the warrant is enforceable throughout the state.

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330.3.4 OFFICER RESPONSIBILITY

When an officer is presented with an out-of state child custody order or an out-of-state child custody warrant, the officer shall consider the following prior to enforcement:

- (a) The officer will determine that the order has been registered and confirmed by a California court. This can be done by contacting the court and verifying the validity of the order.
- (b) If the court is not available for verification, the individual presenting the court order to the officer will need to provide a copy of the following:
 - 1. An order by a California Court acknowledging the registration or
 - 2. By providing the case number and court information where the court order was presented.
- (c) Absent the above verification, an officer may consider other avenues if the child in question is in need of protective custody due to threats of, or actual, mistreatment or abuse.
- (d) Minimally, an officer will complete a report documenting the incident and notify the on-duty supervisor.

330.4 POLICY REVIEW

This policy was reviewed by Officer Burruss 11/23/15.

Missing Persons

331.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

331.1.1 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).

331.2 POLICY

The Livermore 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 Livermore 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).

331.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal 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)
- Missing person school notification form

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- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

331.4 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).

331.5 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.

331.6 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.

331.6.1 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 Unit.
- (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.

331.6.2 RECORDS UNIT 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).
- (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).

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- (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 Investigative 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).

331.7 INVESTIGATIVE 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).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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- (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 § 566).

331.8 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 Supervisor 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.

331.8.1 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.

331.9 CASE CLOSURE

The Investigative 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 Livermore or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

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- (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.

331.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
 1. Assessments and interviews
 2. Use of current resources, such as Mobile Audio Video (MAV)
 3. Confirming missing status and custody status of minors
 4. Evaluating the need for a heightened response
 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

331.11 POLICY REVIEW

[This policy was reviewed by Lieutenant Reynolds on 05/04/20.](#)

Public Alerts

333.1 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.

333.1.1 PROCEDURES PUBLISHED

Pursuant to Government Code §8594 and the procedures set forth in the California AMBER Alert: America's Missing Broadcast Emergency Response Manual, it shall be the policy of the Livermore Police Department to utilize the AMBER network on all child abductions meeting the criteria outlined in this policy.

333.2 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.

333.3 RESPONSIBILITIES

333.3.1 MEMBER RESPONSIBILITIES

Members of the Livermore Police Department should notify their supervisor, Watch Commander, or Investigative 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.

333.3.2 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 Chief of Police when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

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333.4 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.

333.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

- (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.

333.4.2 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 Chief of Police or other authorized individual to handle media liaison
 - 7. A telephone number for the public to call with leads or information
- (b) The Livermore Police Department is within a C.A.R.E. county, therefore, the Alameda County Sheriffs' Office 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) If there is a potential for the Amber Alert to go outside Alameda County, still call the Alameda County Sheriff's Office, who will then notify CHP ENTAC.
- (d) The press release information is forwarded to the Alameda County Sheriff's Office Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (e) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

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- (f) 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).
- (g) The following resources should be considered as circumstances dictate:
 - 1. The local FBI office
 - 2. National Center for Missing and Exploited Children (NCMEC)

333.4.3 CALIFORNIA HIGHWAY PATROL NOTIFICATION

The Watch Commander shall contact the CHP Communication's Center and request the on-duty CHP Field Supervisor. The Watch Commander shall advise the CHP Field Supervisor with the reported child abduction information and request an alert.

The Watch Commander shall contact the CHP Emergency Notification and Tactical Alert Center (ENTAC) at (916) 843-4199 with the Blue Alert and Silver Alert information and request an alert. The Watch Commander shall ensure there is adequate personnel to receive telephone calls from the public and press as a result of the AMBER Alert deployment.

For more information:

<http://www.chp.ca.gov/amber/index.html>

333.5 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.

333.5.1 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.

333.5.2 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

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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 Chief of Police 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

333.6 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).

333.6.1 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.

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333.6.2 PROCEDURE FOR SILVER ALERT

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

333.7 YELLOW ALERT

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

333.7.1 CRITERIA FOR YELLOW ALERT

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

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
 1. The complete license plate number of the suspect's vehicle.
 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
 3. The identity of a suspect.
 4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

333.7.2 PROCEDURE FOR YELLOW ALERT

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

333.8 FEATHER ALERT

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

333.8.1 CRITERIA FOR FEATHER ALERT

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

- (a) The missing person is an indigenous person.
- (b) The Department has utilized local and tribal resources.

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

333.8.2 PROCEDURE FOR FEATHER ALERT

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

333.9 MUTUAL AID

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

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigative 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. The Watch Commander will provide a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- (c) The Chief of Police will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The Livermore Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

333.10 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

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

333.10.1 CRITERIA

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

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

333.10.2 PROCEDURE

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

333.11 POLICY REVIEW

This policy was reviewed by Captain Boberg on 01/31/2023.

Law Enforcement Mutual Aid Plan

334.1 PURPOSE AND SCOPE

The purpose and and scope of this policy is to provide an brief overview of the Law Enforcement Mutual Aid Plan and direct personnel toward additional information regarding the plan.

The State of California Law Enforcement Mutual Aid Plan, is issued and revised under the authority of §§ 8550, 8569, 8615 through 8619, and 8668 of the California Government Code, the California Emergency Plan, and the Master Mutual Aid Agreement.

334.1.1 DEFINITIONS

Operational Area - A county along with the political subdivisions within that county constitutes an Operation Area.

Operational Area Law Enforcement Coordinator - The County Sheriff is the Operational Area Law Enforcement Coordinator, with the exception of the City and County of San Francisco, where the Chief of Police is the Operational Area Law Enforcement Coordinator.

Mutual Aid Region - A Mutual Aid Region is a geographical area comprised of multiple operational areas. A Mutual Aid Region manages and coordinates information and resources among operational areas within the mutual aid region and between the Operational Areas and the state level.

Regional Law Enforcement Mutual Aid Coordinator - A Regional Law Enforcement Mutual Aid Coordinator is an Operational Area Law Enforcement Coordinator, who is elected by the other Operational Area Coordinators within the mutual aid region, to coordinate the collective law enforcement mutual aid response of agencies within the region.

State Law Enforcement Mutual Aid Coordinator - The State Law Enforcement Mutual Aid Coordinator is the Chief of the Law Enforcement Branch of the Governor's Office of Emergency Services. The State Coordinator is responsible for mutual aid response coordination and administrative interaction between state and local law enforcement agencies during emergency and non-emergency situations where the mutual aid system is, or could be involved.

334.2 LOCAL REQUEST FOR MUTUAL AID

When it is determined that an unusual occurrence may become, or is already beyond the control of the Livermore Police Department and its resources, it is the responsibility of the Chief of Police, or their designee, to request mutual aid from the Operational Area Law Enforcement Coordinator (Alameda County Sheriff).

A declaration of local emergency may or may not be appropriate for the circumstances, however the Chief of Police may request mutual aid prior to the activation of an EOC, or formal declaration of local emergency. A mutual aid request and response is not dependent on a declaration of a local emergency.

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334.2.1 LOCAL EMERGENCY

Local Emergency - Is defined as the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons or property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions other than conditions resulting from labor controversy, which are or are likely beyond the control of services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to the regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission. (Government Code §8558(c)).

In periods of local emergency, political subdivisions (cities or counties) have the power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, plans, or agreements.

During a local emergency, state agencies may provide mutual aid, including personnel, equipment, and other available resources, to assist local jurisdictions in accordance with the mutual aid plans or at the direction of the Governor.

By proclaiming a local emergency, the governing body of a city or county expands its regulatory enforcement, subject to constitutional constraints, increases its police power and may promulgate temporary emergency orders and regulations necessary to provide for the protection of life and property.

Response costs are absorbed by the responding agency notwithstanding any other agreements to the contrary or disaster reimbursement funds that may become available.

334.3 OPERATIONAL MUTUAL AID

When an emergency develops or appears to be developing which cannot be resolved by a law enforcement agency within the Operational Area, it is the responsibility of the Operational Area Mutual Aid Coordinator to provide assistance and coordination to control the problem. (Government Code §26602).

In response to a request for a law enforcement mutual aid by a Chief of Police within the Operational Area, the Sheriff will implement procedures to activate the mutual aid. The Sheriff will coordinate the Operational Area response of law enforcement resources including the response of law enforcement resources of unaffected operational area municipalities, the local CHP, and other law enforcement agencies within the Operational Area, as well as the Sheriff's own resources, to assist the affected local Chief of Police in the manner requested. If it appears likely that the resources of an Operational Area will become depleted, the Regional Coordinator should be advised in advance.

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334.4 REGIONAL MUTUAL AID

Should an existing or anticipated emergency be of such magnitude as to require the commitment of the resources of one or more Operational Areas, it is the responsibility of the Regional Law Enforcement Mutual Aid Coordinator to organize the notification and response of resources within that region.

The Regional Coordinator shall keep the State Law Enforcement Mutual Aid Coordinator, who is the Chief of the Law Enforcement Branch, Governor's Office of Emergency Services, advised of the situation status. The State Law Enforcement Mutual Aid Coordinator may support the regional response by issuing mission numbers (Refer to California Law Enforcement Mutual Aid Plan glossary for definition of Mission Numbers), and tasking states agencies within the region. An unusual occurrence necessitating regional law enforcement mutual aid may or may not result in a proclamation of a state emergency.

334.5 MORE INFORMATION

This policy is a brief overview of the California Law Enforcement Mutual Aid Plan. The entire plan is located as an addendum to the Procedures Manual. Additional copies of the California Law Enforcement Mutual Aid Plan may be obtained through the California Office of Emergency Services, or through their website at:

www.oes.ca.gov

334.6 POLICY REVIEW

This policy was reviewed by Lieutenant Trudeau on 11/30/15.

Victim and Witness Assistance

335.1 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.

335.2 POLICY

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

335.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Livermore Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

335.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

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

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

335.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

335.4.1 VICTIMS OF HUMAN TRAFFICKING

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

335.5 VICTIM INFORMATION

The Administrative 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 standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (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

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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).

335.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

335.7 POLICY REVIEW

This policy was reviewed by Captain Boberg on 01/31/2023.

Notification Next-of-Kin

336.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for notifying next-of-kin in cases of death, serious injury, or serious illness.

336.2 NOTIFICATIONS GENERALLY

Department members may deliver emergency messages or make death or injury/illness notifications with the approval of a supervisor when other reasonable efforts from other agencies or persons have been exhausted.

In all notifications, these guidelines should be followed:

- (a) Obtain as much information from the requesting party as may be necessary to answer questions that may be asked by the person being notified.
- (b) Obtain the name and telephone number of the person that the party being notified should contact for additional information.
- (c) In appropriate situations, officers should request the services of a Police Chaplain or a clergy member of the notified party's choice.
- (d) Attempt to contact a third party who may act as a support to the person being notified.
- (e) Answer only those questions that can be answered with facts.
- (f) The notification shall be made in person if possible.

336.2.1 INJURY AND ILLNESS NOTIFICATION

Normally, a representative of the hospital administering aid to the injured or ill person should make notification of the next-of-kin in situations involving hospitalized persons. However, notification requests from a hospital will be honored when all other practical means have failed.

336.3 LINE OF DUTY DEATH OR SERIOUS INJURY

Next-of-kin notification in the case of a Livermore Police Department Member shall be made in accordance to the Line of Duty Death Procedure.

336.4 POLICY REVIEW

This policy was reviewed by Officer Cabral on 11/16/15.

Hate Crimes

337.1 PURPOSE AND SCOPE

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

337.1.1 DEFINITION AND LAWS

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

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

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

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

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

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

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

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

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

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

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

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

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

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

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

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

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

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

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

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

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

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship

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- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

337.2 POLICY

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

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

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

337.3 PLANNING AND PREVENTION

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

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

337.3.1 HATE CRIMES COORDINATOR

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

- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

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- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.
- (i) Coordinating with the Training Sergeant to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Unit for mandated reporting to the Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Unit Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Annually assessing this policy, including:
 - 1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.
 - 2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

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337.3.2 RELEASE OF INFORMATION

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

The benefit of public disclosure of hate crime incidents includes:

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

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

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

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

337.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

337.4.1 INITIAL RESPONSE

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

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

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.

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1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 1. Hate literature.
 2. Spray paint cans.
 3. Threatening letters.
 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 1. Identity of suspected perpetrators.
 2. Identity of witnesses, including those no longer at the scene.
 3. The offer of victim confidentiality per Government Code § 7923.615.
 4. Prior occurrences in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.
 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

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- (n) Document any suspected multi-mission extremist crimes.

337.4.2 INVESTIGATION

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

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
 - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. Offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences, in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

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- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 2. Provide ongoing information to victims about the status of the criminal investigation.
 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

337.4.3 SUPERVISION

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

- (a) Provide immediate assistance to the crime victim by:
 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).

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- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

337.5 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 include (Penal Code § 422.87):

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

337.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

337.7 POLICY REVIEW

Reviewed by Captain Boberg on 01/31/2023.

Standards of Conduct

339.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Livermore 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.

339.1.1 LAW ENFORCEMENT CODE OF ETHICS

The Livermore Police Department requires all personnel to abide by the Law Enforcement Code of Ethics and mandates that ethics training be conducted for all personnel biennially.

The Livermore Police Department has a set of ethical guidelines which are provided to the employee upon hire, and thereafter during the annual performance review process. Receipt of these guidelines is evidenced by a signed statement which is included in the employee's Personnel file.

[See attachment: LPD Ethical Standards Form.pdf](#)

339.2 POLICY

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

339.2.1 RESPONSIBILITY OF PROFESSIONAL STANDARDS UNIT

The Professional Standards Unit is responsible for administering the internal affairs process. The Professional Standards Unit shall be managed by the Support Division Commander, who reports directly to the Chief of Police. In regard to Internal Affairs Investigations or Citizen Complaint Investigations, The Professional Standards Unit Sergeant receives direction from the Chief of Police.

Annually, the Professional Standards Unit will complete a report outlining the number of citizen complaints and administrative investigations to the Chief of Police. The report shall be made available to the public. This report shall be statistical in nature and shall not include any confidential information.

339.3 DIRECTIVES AND ORDERS

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

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339.3.1 UNLAWFUL OR CONFLICTING ORDERS

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

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

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

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

339.3.2 SUPERVISOR RESPONSIBILITIES

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

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

339.3.3 TRAINING AND COUNSELING

If training or counseling is determined appropriate for the remediation of unwanted conduct, the direct supervisor of the affected employee has the responsibility of ensuring the appropriate training or counseling occurs.

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339.4 GENERAL STANDARDS

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

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

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

339.4.1 LEVELS OF DISCIPLINE

The purpose of disciplinary action is to correct deficiencies in employee performance, to seek improvement to meet appropriate standards, and/or to correct violations of policy, law or other regulation. The disciplinary process outlined below has been established to provide general guidelines for a fair method of disciplining employees. In the case of an internal affairs investigation or an interview which could lead to disciplinary action, sworn and non-sworn employees will be afforded certain procedural rights, which are specified in P.O.B.R., and the City of Livermore, Rules and Regulations. Performance appraisal and constructive disciplinary actions, which are designed to assist an employee to improve his/her performance, are excluded from the procedural rights specified in P.O.B.R.

Discipline may be initiated for various reasons as outlined on previous sections of this policy. The severity of the action depends on the nature of the offense and an employee's record. The discipline may range from verbal counseling to immediate dismissal.

The normal progressive discipline procedure steps consist of:

Counseling

- Verbal Counseling: An opportunity to communicate in a non-punitive fashion, that a problem is perceived and that the supervisor is available to assist in the resolution of the problem. This action is not appealable.
- Documented Counseling: To communicate to the employee in writing that repeat action may result in more serious discipline. A copy of this counseling is given to the employee and one copy is filed in the supervisor's working file (field file) until the next performance evaluation, where such counseling may be noted and then removed from the supervisor's file and destroyed. This action is not appealable.

Formal Disciplinary Actions

- Written Reprimand: A written communication to the employee that an offense has been committed. This action can be appealed to the Police Chief if so requested by the employee. The Police Chief or designee may uphold or modify the reprimand. A copy of this reprimand is given to the employee and a copy is kept in the employee's

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personnel file. A written reprimand may be formally appealed in the manner described in the previous section of this policy.

- Second Written Reprimand, Suspension Without Pay, Demotion, or Reduction in Pay: These actions will be documented in writing reflecting prior disciplinary actions; a copy is given to the employee and a copy is kept in the employee's personnel file. A written reprimand may be formally appealed in the manner described in the previous section of this policy. Suspension without pay, demotion, and reduction in pay, may be appealed through the Skelly Hearing Process.
- Dismissal for Cause: The final step in the progressive disciplinary process. Dismissal may be appealed through the Skelly process.

Although one or more of these steps may be taken in connection with a particular employee, no formal order or system is necessary. The City reserves the right to deviate from this policy when the circumstances warrant such a deviation. The severity of the action depends on the nature of the offense and an employee's record, and may range from verbal counseling to immediate dismissal.

339.4.2 TRAINING

In some cases, training may be an appropriate level of discipline or included with the other levels of discipline. In determining whether training is appropriate, the imposing authority should consider if training will assist in correcting deficiencies in employee performance.

339.5 CAUSES FOR DISCIPLINE

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

339.5.1 LAWS, RULES AND ORDERS

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

339.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Livermore Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

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- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

339.5.3 MAINTENANCE OF FILES

The Administrative Assistant to the Chief of Police shall be responsible for maintaining all confidential files pertaining to citizen complaints and administrative investigations.

339.5.4 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

339.5.5 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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339.5.6 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

339.5.7 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
 - (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

339.5.8 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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339.5.9 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (i) Any act on or off duty that brings discredit to this department.

339.5.10 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

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- enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
 - (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
 - (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
 - (e) Engaging in horseplay that reasonably could result in injury or property damage.
 - (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
 - (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
 - (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
 - (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
 - (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
 - (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
 - (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
 - (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

339.5.11 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

339.5.12 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

339.6 POLICY REVIEW

[This policy was reviewed by Captain Boberg](#)

Compromised IT/Cyber Incident Handling

340.1 PURPOSE AND SCOPE

- (a) This procedure provides a cyber incident handling process for use when the Livermore Police Department (LPD) network, servers, desktops, mobile digital computers, mobile devices, telecommunication systems, or other computing devices or services are compromised. Being prepared for an incident and following the process detailed below will enable support personnel to handle incidents consistently and appropriately.
- (b) The primary audience for this procedure is the staff members likely to be incident "First Responders". Generally these will be PD IT staff for LPD managed computing devices and networks. This procedure applies to all LPD owned or managed computing devices and the LPD network in general. Ordinarily, the procedure does not apply to personally-owned computers or devices. However, incident handling processes may extend to personally-owned computers or devices when they are found to be part of an incident involving LPD resources. Owners of these devices are required to cooperate with systems support personnel to limit damage to LPD resources.

340.2 DEFINITIONS

- (a) Cyber Incident - Incidents that actually or potentially jeopardize the confidentiality, integrity, or availability of an information system, or the information the system processes, stores or transmits. Cyber incidents may include but are not limited to:
 - Data Breach – incident in which sensitive, protected or confidential data has been viewed, stolen, or used by an individual unauthorized to do so.
 - Denial of Service - loss, or loss of access to systems, network, storage, or other information assets.
 - Malicious code/software - Software or code intentionally created or introduced into a system with a purpose or payload of causing harm or loss to the system, its data, or other information assets. Example include, but are not limited to, viruses, worms, keystroke loggers, root-kits, logic bombs, spam relays, remote control bots, spyware, adware, and 'potentially unwanted programs.' Discovery of non-persistent malicious code/software that is blocked/remediated by the departments' automated security policy enforcement tools with no adverse consequences to the system is considered a non-significant incident.
 - Unacceptable use - any action that violates the department's acceptable use policy, other city policy, or violations of civil/criminal law.
 - Unauthorized access - gaining access into any user account, system, network, storage, or other information asset without the express permission of the owner of the asset. This includes authorized users who intentionally elevate their permissions.
 - Other - Any incident not meeting above criteria, such as critical or widespread vulnerabilities or miss-configuration that might lead to compromise.
- (b) High Risk - An incident is high risk if it involves one or more of the following:

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- Criminal activity.
 - Unauthorized external access to personal identifying information.
 - Lost or compromised device containing, or possibly containing, unencrypted confidential, sensitive, critical data.
 - Potential unauthorized access due to discovery of a keystroke logger, root-kit, remote access agent, password cracking agent, or similar exploit
 - Disrupts continuity of critical business processes or communication.
- (c) Low Risk - Any incident not meeting the criteria for a high risk incident.
- (d) Personal Identifying Information - A person's first name (or initial) and surname, in combination with any of the following:
- Social Security Number.
 - Driver's license number or state identification card number.
 - Financial account, debit, or credit number.
 - Other information that creates a material risk of the commission of the offense of identity fraud or other fraud to the individual.
- (e) Sensitive information – any privileged or proprietary information which, if compromised through alteration, corruption, loss, misuse, or unauthorized disclosure could cause serious harm to LPD or other justice partners. Sensitive information includes information with specific legal regulatory or contractual requirements for protection, retention and breach reporting such as Criminal Justice information (CJI), Criminal History Record Information (CHRI), Personally Identifiable Information (PII) and Cardholder Data (CHD)

340.3 BASIC INCIDENT HANDLING PROCESS

340.3.1 PRELIMINARY ACTIVITIES

- (a) To prepare for a cyber incident, IT Staff will be trained by to use evaluation, diagnostic, and remediation tools appropriate to the devices and operating system(s) they support.

340.3.2 DETECTION, INITIAL REPORTING AND ANALYSIS

- (a) In the event of the loss of an LPD owned computing device, the loss shall be reported to the Watch Commander and department IT staff in a timely manner.
- (b) If any loss or compromise of sensitive or critical information is suspected, the incident first responder must evaluate and document the incident risk and actions taken.
- If criminal activity is suspected, the Watch Commander must be notified.
 - If a compromise is high risk, then it must be reported, as soon as possible to the IT Coordinator and on-call Watch Commander. They will determine the need and notify the appropriate secondary incident responders as appropriate.

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- If the compromise is low risk, the responder may contain, eradicate, and recover the system. The responder must document the nature of the problem and resolution, and submit a copy to the department IT Coordinator.

340.3.3 CONTAINMENT

- (a) If criminal activity is suspected, the isolation and containment process must forensically preserve evidence (see policy 814.2).
- (b) If a compromise is high risk, the incident first responder will take action to isolate and contain the affected device until such time as the threat is mitigated.

340.3.4 ERADICATION

- (a) If the compromise is high risk, before beginning eradication procedures, the first responder/investigator should forensically create and retain an image of the compromised/infected system when possible, (to aid in future analysis). The LPD Forensics Unit, the Northern California Regional Intelligence Center (NCRIC) or California Department of Justice can assist in this process.
- (b) If the compromise is high risk, and there are multiple incidents of the same type of compromise, the first responder/investigator should coordinate activities with the department IT Coordinator. The first responder should still forensically create and retain an image of a representative compromised system when possible.
- (c) The responder will use the appropriate methods, in increasing order of system impact, to eradicate the compromise/infection.
- (d) If eradication is unsuccessful or the compromise/infection reoccurs within 48 hours, the first responder shall notify the department IT Coordinator to obtain second level support and await further instructions.

340.3.5 RECOVERY

- (a) If eradication is successful, IT staff should clean and restore the data and availability of the affected system in order to return the system to normal operations.
- (b) If the system is a server, IT staff will reformat and/or re-image (or rebuild), unless the incident was low risk and the eradication was accomplished through the use of standard anti-virus or other tools.

340.3.6 POST-INCIDENT ACTIVITIES

- (a) The documentation describing the problem and resolution of all incidents will be submitted to and reviewed by the department IT Coordinator for tracking, trending, and reporting.
- (b) Incidents involving new vectors or difficult to resolve exploits will be reviewed by the first responder(s), IT staff and the department IT Coordinator for 'lessons learned' and effective practice development.

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- (c) High-risk incidents will be reviewed by the department IT Coordinator, first and secondary responders, and other involved personnel as appropriate, for 'lessons learned' and effective practice development.
- (d) Incidents involving a breach of personal information will be thoroughly analyzed to determine extent of the loss and the specific individuals affected. The department IT Coordinator will notify the appropriate department and City personnel to initiate the individual disclosure/notification processes required by law.
- (e) The IT Coordinator will submit a detailed report to the Support Service Captain outlining the incident and recommendations to prevent future incidents.

340.4 POLICY REVIEW

This Policy was reviewed by IT Manager Park 11/16/15

Information Technology Use

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, smart phones, electronic devices, hardware, software and systems.

341.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), smart phones, electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Livermore 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.

341.2 POLICY

It is the policy of the Livermore Police Department that members shall use information technology resources, including computers, smart phones, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

341.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

341.4 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.

341.4.1 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.

341.4.2 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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341.4.3 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.

341.4.4 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.

341.5 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.

341.6 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, smart phones, 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.

341.7 POLICY REVIEW

Reviewed by Captain Sarsfield

WEB BASED COMMUNITY INFORMATION SYSTEM USE (NIXLE)

342.1 PURPOSE AND SCOPE

In an effort to enhance public safety and promote community awareness, a web based Community Information System (NIXLE™) is to be used to disseminate timely, geographically relevant information to community members.

The purpose of this directive is to outline criteria and procedures for posting a NIXLE message.

Policy Enacted: May 1, 2011

342.2 AUTHORITY TO RELEASE LAW ENFORCEMENT INFORMATION

It is ultimately the responsibility of the Chief of Police to release information to the public. Information pertaining to department activity will be made readily available to the public through the Web Based Community Information System (NIXLE), subject to guidelines established in this directive. That responsibility is delegated to the following personnel:

The Professional Standards Unit Supervisor will serve as the department's NIXLE administrator. Additional administrators will be added as directed by the Chief of Police. The PSU Supervisor can publish any level of message on NIXLE. Members of the Command Staff (or their designee) can publish any level of message on NIXLE regarding information under their direct responsibility. Lieutenants, Sergeants, and Dispatch Supervisors can publish any level of message on NIXLE and authorize Communications personnel to publish NIXLE messages on their behalf when it is in the best interest of the agency or public to release in an immediate or timely manner.

The Crime Prevention Specialist can publish Community Messages and other messages as directed by Supervisors.

Investigative Supervisors are encouraged to use the service when a crime pattern, trend, or other emergent matter presents.

In a multi-jurisdictional investigation, the lead investigative agency is responsible for providing or coordinating the release of public information on NIXLE. The PIO, or designee, for the lead agency shall share that information with all involved agencies in advance of public dissemination. Any NIXLE release involving a multi-jurisdictional investigation shall be coordinated by the Chief of Police or their designee.

342.3 USE OF NIXLE

All users of NIXLE on behalf of this department must first receive a user name and password from the PSU Supervisor.

When authorized/directed to send a message via NIXLE, the user will access NIXLE at the following web address: <https://agency.nixle.com/login/>

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WEB BASED COMMUNITY INFORMATION SYSTEM USE (NIXLE)

The user will sign in using their NIXLE user-name and NIXLE password. On the left side of the page you will see a "control panel" and from that panel you can choose one of four message types: Alert, Advisory, Community, and Traffic. The following describes each type of message:

342.3.1 ALERT MESSAGE

An Alert Message is intended for "urgent, must know" and time-sensitive information, including:

- a. Missing person alerts (At Risk).
- b. Major building or area evacuations.
- c. Imminent life threatening weather/Natural disaster advisory.
- d. Shooting just occurred and shooting suspect is on the street.
- e. Shelter in place advisories.

Alert information is sent to every user registered in the jurisdiction or defined geographic area and users cannot opt out of receiving these messages; therefore, Alert messages must be sent prudently.

Posting Authority: Due to the emergent nature of Alerts, they should only be posted with the approval of a Watch Commander or the designated PIO.

SPECIAL NOTE: Investigative implications should be taken into consideration on alert postings, and de-conflicted with the Investigations Unit whenever possible. Any message relative to an active tactical situation, search warrant, or other incident type that could put an officer's or the public's safety in jeopardy shall receive approval from the Watch Commander prior to posting.

342.3.2 ADVISORY MESSAGE

An Advisory Message is intended for less urgent, need-to-know information, both time-sensitive and non-time-sensitive messages, including:

- a. Crime Patterns
- b. School Lock-downs
- c. BOLs (Be on the Lookout)
- d. Increased Terror Warnings
- e. Suspicious Activity

Posting Authority: Advisory notifications may be posted by any Sergeant or above, Dispatch Supervisor, or the Crime Prevention Specialist.

SPECIAL NOTE: Investigative implications should be taken into consideration on advisory postings, and de-conflicted with the Investigations Unit whenever possible. Any message relative to an active tactical situation, search warrant, or other incident type that could put an officer's or the public's safety in jeopardy shall receive approval from the Watch Commander prior to posting.

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342.3.3 COMMUNITY MESSAGES

Community Messages are non-time-sensitive messages, news, and information including:

- a. Police / City sponsored Events
- b. Community Police Meetings
- c. General Proactive Announcements
- d. Property Crime Trends

Posting Authority: General community-level notifications may be posted by any Sergeant or above, Dispatch Supervisor or designee with posting authority, or the Crime Prevention Specialist.

SPECIAL NOTE: Investigative implications should be taken into consideration on community message postings, and de-conflicted with the Investigations Unit whenever possible. Any message relative to an active tactical situation, search warrant, or other incident type that could put an officer's or the public's safety in jeopardy shall receive approval from the Watch Commander prior to posting.

342.3.4 TRAFFIC MESSAGES

Traffic Messages are time-sensitive traffic messages, including:

- a. A traffic accident that will either impact traffic or shut down a route for a specific period of time.
- b. Implications during rush hours, high traffic areas, or during special events.
- c. Messages related to enforcement efforts and traffic education.

Posting Authority: Traffic notifications may be posted by the Watch Commander, Sergeant, Dispatch Supervisor, Crime Prevention Specialist, or any employee designated to post such messages.

SPECIAL NOTE: Investigative implications should be taken into consideration on traffic message postings, and de-conflicted with the Investigations Unit whenever possible. Any message relative to an active tactical situation, search warrant, or other incident type that could put an officer's or the public's safety in jeopardy shall receive approval from the Watch Commander prior to posting.

342.4 CONSIDERATIONS BEFORE POSTING

Items to be considered prior to posting a message in any category include:

1. Accuracy of the information you are distributing.
2. Keep the message short.
3. Provide a summary of the problem/trend/pattern.
4. Limit radius of notification postings to the area that is meaningfully impacted.
5. Specify location by nearest cross street.
6. If possible, picture/s should be included in postings.

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7. Include unit, investigator, or PIO contact information in the bottom of the notification.
8. A notification that is of an emergency nature (at-risk missing child/adult or major public safety issue) must include notification of chain-of-command.

Although NIXLE was designed as a community/neighborhood level notification system, it should be expected that any NIXLE posting will be monitored by the media. As such, protocol as outlined in Livermore Police Policy #346 (News Media Relations) should be adhered to. There should also be an expectation that inquiries from the media will occur based on NIXLE postings. These inquiries shall be addressed in the usual manner by an on-duty PIO, Watch Commander, or designee.

342.5 LAW ENFORCEMENT INFORMATION RELEASE GUIDELINES

The release of information is subject to restrictions placed by applicable local, state, and federal laws. No member of this agency shall release any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons.

342.5.1 INFORMATION THAT IS ACCEPTABLE FOR RELEASE

Authorized agency members may release the following information on crime/criminal activity:

1. Basic information about a crime or incident.
2. Basic information about victims, except as excluded in section 343.5.2 of this policy.
3. Description of suspects.
4. Basic description of weapons and vehicles used.
5. Basic description of stolen items.
6. Basic description of injuries and condition of victims.
7. The name, age, address, and other basic information about arrestees and the charges against them.
8. Information contained in arrest affidavits and other applicable crime or incident reports.
9. Booking photographs.
10. Suspect photographs or sketches necessary to identify an unknown offender.

342.5.2 INFORMATION THAT SHALL NOT BE RELEASED

Any member of this department shall not release the following information through NIXLE:

1. Names, addresses, and any other information that would identify the victim of any crime.
2. Names, addresses, or identifying information related to juvenile arrestees.
3. Active criminal investigative information, active criminal intelligence information, surveillance techniques, or personnel deployment.
4. Names of informants and information provided by them.

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5. Active Internal Affairs investigations, as governed by state law.
6. Names of witnesses.
7. Information concerning on-going City of Livermore litigation.
8. The identity of critically injured or deceased persons prior to notification of next-of-kin.
9. Home address, telephone numbers, and familial information of law enforcement personnel.
10. Any other information prohibited by state law from public disclosure.

342.5.3 LAW ENFORCEMENT SENSITIVE AND SENSITIVE BUT UNCLASSIFIED INFORMATION

Unauthorized release of Law Enforcement Sensitive (LES) and Sensitive, but Unclassified (SBU) information/material to the public is prohibited.

1. All LES/SBU information requires accountability and approval for release. Release of SBU information to unauthorized personnel is prohibited. Unauthorized release of sensitive information may result in prosecution and/or disciplinary action.
2. LES information is defined as unclassified information of a sensitive and proprietary nature that if disclosed could cause harm to law enforcement activities by jeopardizing investigations, compromising operations, or causing life-threatening situations for confidential informants, witnesses, or law enforcement personnel. These categories are designated as law enforcement sensitive:
 - a. Informant and witness information.
 - b. Grand Jury information subject to the Federal Rules of Criminal Procedure, Rule 6(e), Grand Jury Secrecy Proceedings and Disclosure.
 - c. Law enforcement sources and undercover operations.
 - d. Law enforcement intelligence sources and methods.
 - e. Federal law enforcement agency activities.
 - f. Federal support to state and local law enforcement activities.
 - g. Information pertaining to the judiciary, to include investigations of inappropriate communications.

Sensitive, but Unclassified information is defined as "unclassified information of a sensitive nature, not otherwise categorized by statute or regulation, the unauthorized disclosure of which could adversely impact a person's privacy or welfare, the conduct of Federal programs, or other programs or operations essential to the national interest."

342.6 NIXLE DISPATCH CENTER

A NIXLE message can also be posted in the field, via telephone, when access to the internet is unavailable / impractical.

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To access the service via telephone, call 888.NIXLE.IT (888.649.5348) and speak to the NIXLE Dispatch Center. After providing a password your posting will be entered and disseminated to the desired geographic area just as if it were posted to via the internet. NIXLE suggests that this to be used as a supplement to the standard service, and is not meant to replace it.

The password for field access can be obtained from the NIXLE Administrator.

Report Preparation

343.1 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.

343.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

343.1.2 EXTENDING COMPLETION OF REPORTS

Department members may request permission from their supervisor to hold an incomplete report past the end of his or her shift due to workload or other extenuating circumstances. When a supervisor has authorized a report to be held, that report shall be completed prior to the end of shift the following work day. Reports should not be held over days off. However, the department member shall ensure that critical information, such as probable cause declarations (PCDs), tow or storage forms, missing person reports, arrest reports, modus operandi, and other reports containing time sensitive information are completed prior to going off-duty. Unless prior approval is obtained, all in custody arrest reports shall be completed and approved by a supervisor prior to the employee going off duty.

When an exception is approved, the person responsible for the report shall, at a minimum, complete the data entry for the following:

- Type of crime/investigation
- Names and contact information for all victims, suspects, and significant witnesses
- Location of the incident
- Time frame of the incident

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- Basic summary of the event

Exceptions shall not be made for any reports that contain critical information or time sensitive information.

343.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

343.2.1 CRIMINAL ACTIVITY

When a member 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 member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 1. Use of Force Policy
 2. Domestic Violence Policy
 3. Child Abuse Policy
 4. Adult Abuse Policy
 5. Hate Crimes Policy
 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., CAD).

343.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence

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- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

343.2.3 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.

343.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

343.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

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343.2.6 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 Unit shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

343.2.7 TEMPORARY HOLDING FACILITIES INCIDENTS

A report shall be taken on all incidents which result in physical harm or serious threat of physical harm to an employee or prisoner while in the temporary holding facility. All such reports shall be completed and approved within 24 hours. A copy of the report shall be forwarded to the temporary holding facility manager for review (Title 15, Article 4, §1055).

343.2.8 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

343.3 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.

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343.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

343.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

343.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should provide 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 all report corrections are processed in a timely manner.

343.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit 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 Unit may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

343.6 CASE NUMBER GENERATION AND ASSIGNMENT

Whenever an officer or other police department employee initiates a crime, incident, or traffic collision report, or whenever a report is received from another law enforcement or child protective agency that is required to be kept on file at this department, a unique case number for such report shall be generated by the Officer, a Public Safety Dispatcher or Police Clerk from the Computer Aided Dispatch (CAD) system.

The case number shall consist of a numerical code containing the year the number was generated, followed by a sequential number unique to that year. The CAD incident entry shall minimally contain the address of occurrence and nature of the crime or incident, as well as the reporting officer. The address field in the CAD system may be the address of the police department for confidential reports, whenever disclosure of the actual address in the CAD system would likely compromise an investigation or violate existing confidentiality laws.

343.6.1 CANCELING CASE NUMBERS

Once a case number has been requested and generated, a report or other suitable document shall be prepared and filed with such case number. If a case number is generated and not needed, the employee who requested the number shall submit the canceled report for supervisor approval.

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If a Public Safety Dispatcher or Police Clerk generated the number erroneously when no officer or other police employee requested it, the dispatcher or clerk shall submit the original report for supervisor approval.

All requests to cancel a case number shall include justification for the request in the narrative section of the report. The cancellation option shall be selected for the following report form fields: Type, Offense, Description, Status, and disposition. Supervisors receiving cancellation requests shall scrutinize the circumstances and grant or deny it. Cancellations should be exceptional and adequately justified. Cancellations because a reporting party later declines further action or a missing person returns should not be granted unless extenuating circumstances that preclude documentation exist. Only supervisors or employees assigned to act in a supervisory capacity may approve cancellation requests.

Whenever a request to cancel a case number is received by Records, a Records Clerk shall ensure no substantial report content is contained in the electronic case file. Once the Records Clerk has verified the validity of a request in accordance with the above criteria, the case number shall be retained on file as a canceled case.

A copy of case number cancellation requests shall be retained by the Records Bureau for a period of time in accordance with records retention policies.

343.7 POLICY REVIEW

This policy was reviewed by Lieutenant Reynolds.

Media Relations

345.1 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.

345.2 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 Chief of Police designees may prepare and release information to the media in accordance with this policy and the applicable law.

345.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative (PIO Supervisor or PIO). Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

345.2.2 DUTIES OF THE PUBLIC INFORMATION OFFICER

The department Public Information Officer (PIO) has the responsibility of the following duties:

1. Assist news personnel in covering routine news stories and when the press arrives at the scenes of incidents. The news media will not be invited to accompany Department personnel on any matter that may result in the invasion of a citizen's privacy, the contamination of evidence, or jeopardizes the police investigation.
2. Assist the news media on an availability basis and routinely monitor and tend to the PIO voice-mail system.
3. Prepare and distribute news releases.
4. Arrange for and assist with news conferences.
5. Coordinate and authorize the release of information regarding involved parties of an incident or investigation.
6. Assist in crisis situations within the agency.

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7. Coordinate the release of authorized information concerning confidential agency investigations and operations.
8. Assist the Watch Commander or scene commander with notification of Commanding Officers, City Council members, and the City Manager.
9. Look for and post stories on approved social media outlets that highlight community service activities as well as providing helpful crime prevention tips that increase safety and awareness.

345.3 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 Chief of Police or other designated spokesperson.
 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

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 Chief of Police.

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345.3.1 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.

345.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available on our website. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (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).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

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345.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

345.4.2 NON-RESTRICTED PUBLIC INFORMATION

Agency members can release the following information (Refer to Government Code 6254(f)):

- (a) Basic information about a crime or incident
- (b) Basic information about victims, witnesses, and suspects, except as excluded by law. (Excluded by law are names and addresses of victims of crimes listed in Penal Code 293)
- (c) Description of suspects
- (d) Basic description of weapons and vehicles used
- (e) Basic description of stolen items
- (f) Basic description of injuries and conditions of victims
- (g) The name, age, address, occupation and other basic information about arrestees and charges against them
- (h) Information contained in arrest affidavits and other applicable crime or incident reports
- (i) Booking photographs Agency members shall take into account before releasing any information if the information provided to the press will compromise the ongoing investigation.

345.4.3 ADULT ARRESTEE INFORMATION REQUIRED TO BE MADE PUBLIC

Section 6254(f-l) of the Public Records Act requires the following information pertaining to arrested persons to be made public:

- (a) Full name, current address, and occupation of person arrested
- (b) Arrestee's physical description including date of birth, color of eyes and hair, sex, height, and weight
- (c) Date and time of arrest
- (d) Date and time of booking
- (e) Location of arrest
- (f) Factual circumstances surrounding arrest
- (g) Amount of bail set
- (h) Time and manner of release or location where arrestee is being held
- (i) Charges including outstanding warrants and probation/parole hold

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345.4.4 JUVENILE ARRESTEE INFORMATION ALLOWED

At no time shall identifying information pertaining to a juvenile arrestee be made public. However, general information regarding juvenile arrests may be made public but is limited to the following:

- (a) Whether or not an arrest has been made
- (b) Offense for which an arrest has been made
- (c) Disposition of the minor

345.5 PRESS RELEASES

1. It shall be the responsibility of the PIO Unit to make sure a press release is completed in a timely fashion, keeping in mind the deadlines imposed on the media. In no case shall a PIO go off duty without first completing a press release when one is warranted. A press release should be made as soon as possible after a serious incident, crime, or arrest.

2. Press releases covering the goals, plans, policies, or administrative affairs, or statements clarifying a major issue or relating to a departmental investigation involving personnel only, shall be made by the Chief of Police or by any designated employee after approval of the Chief of Police.

345.5.1 PRESS RELEASE INFORMATION TO BE DISTRIBUTED

Press releases should adhere to the guidelines as set forth in section 346.4 and may include the following additional information:

- (a) Charges sought or complaint filed
- (b) Investigation division and/or officers investigating
- (c) Time and place of arrest, circumstance surrounding an arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of arrest.
- (d) Disclosures should include facts only and not subjective observations

Press releases should not include the following information:

- (a) Suspect's criminal history
- (b) Reference to a person as a "Suspect" when the person has only been brought in for questioning
- (c) Reference homicide as a murder

Statements to the press should be avoided in the period approaching and during the trial because of all the particular danger or prejudice resulting during that period. Any such statements shall be made only when the circumstances absolutely demand a disclosure of the information and shall include only information which is clearly not prejudiced.

345.6 PRESS CONFERENCES

Media Conferences shall be held only in connection to major events of concern to the community or information sharing as designated by the Chief of Police. The Chief of Police arranges for, or

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shall be promptly informed of all news conferences. The Press Information Officer shall facilitate the news conference, which may include the Chief of Police or designee.

345.6.1 MEDIA RELATIONS

The Chief of Police or their designee shall annually review the news media procedures. The local media shall be provided with an opportunity to participate in the development or changes to the news media relations policy. Any changes recommended by the media shall be approved by the Chief of Police before implementation.

345.7 MEDIA DURING A HOSTAGE SCENE OR OTHER MAJOR CRIME SCENE

In the interest of protecting all citizens, the news media may be precluded from immediate presence of a scene where an armed suspect is barricaded, or in any other case where other citizens are not allowed at a crime scene.

It is encouraged to designate a location for the media that is safe and does not interfere with the police investigation/incident.

In such an event, news media representatives shall be advised (when plausible) of the status of the case, and the officer in charge shall delegate the responsibility to periodically update the news media as to the status of the event.

It is recommended that the Watch Commander call out a Press Information Officer. The Press Information Officer will handle all contacts with the press, and upon the recommendation of the Watch Commander, notification of administrative staff (Chief of Police, Captains, City Manger, and City Council).

When the scene is determined to be secure by the Incident Commander, and provided there is no interference with the normal police investigation, news media representatives displaying appropriate credentials shall be allowed into the secured area as otherwise provided for in this policy.

345.8 DISTRIBUTION LIST FOR PRESS RELEASES

Press Releases should be sent to the following positions within the city:

City Distribution:

1. City Council Member
2. City Manager
3. Assistant City Manager
4. City Leadership Team
5. Livermore Housing Authority
6. Local Media

Police Department Distribution:

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1. Chief of Police
2. Assistant to the Chief of Police
3. Police Management
4. Management Division Clerk
5. Police Supervisors
6. Press Information Officers
7. Public Safety Dispatch
8. Crime Prevention
9. Records Division
10. Volunteer Coordinator

345.9 POLICY REVIEW

This policy was reviewed by Captain Sarsfield.

Subpoenas and Court Appearances

347.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members and former employees who must appear in court. It will allow the Livermore Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

347.2 POLICY

Livermore Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

347.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the employee or by delivery of two copies of the subpoena to the employee's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to employee to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she 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.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is 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 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)).

347.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

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- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Livermore Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Livermore Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

347.3.2 CIVIL SUBPOENA

The Department will compensate employees who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

347.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

347.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

347.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

347.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.

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- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

347.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

347.7 OVERTIME APPEARANCES

When an employee appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

347.8 RETIRED OR FORMER EMPLOYEES

The Department will not compensate any retired or former employee served with any criminal or civil subpoena or other order issued by a state or federal agency for their appearance and testimony.

The former employee should notify the Support Services Captain of the subpoena who will coordinate the employee's review of any relevant reports, documents, or evidence.

347.9 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Reserve Officers

349.1 PURPOSE AND SCOPE

The Livermore 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.

349.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Livermore 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.

349.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

349.2.2 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.

349.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Reserve Officers are considered volunteers and are not paid. 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. Unless approved by the Chief of Police, all property issued to the reserve officer shall be returned to the Department upon termination or resignation.

349.2.4 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 Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

349.3 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

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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.

349.3.1 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.

349.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

349.3.3 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

349.4 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.

349.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

349.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

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349.4.3 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 Livermore 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.

349.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

349.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

349.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

349.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

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349.5 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.

349.5.1 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.

349.5.2 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.

349.5.3 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 size and style, but will be imprinted with the word "Reserve" above the badge number. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

349.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

349.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Operations Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

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349.5.6 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.

349.6 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.

349.6.1 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.

349.6.2 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the Livermore Police Department.

349.6.3 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:

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- (a) All reserve officers are required to qualify bi-annually
- (b) Reserve officers may fire at the department approved range and more often with the approval of the Reserve Coordinator
- (c) Should a reserve officer fail to qualify during department range or firearms training, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

349.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

349.8 POLICY REVIEW

This policy was reviewed by Sergeant Horton 12/07/15

Outside Agency Assistance

351.1 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.

351.2 POLICY

It is the policy of the Livermore 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.

351.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

351.3.1 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 Livermore 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.

351.4 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.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

351.5 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.

351.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.

351.7 POLICY REVIEW

[This policy was reviewed by Captain Young on 12/06/16.](#)

Registered Offender Information

355.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Livermore 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.

355.2 POLICY

It is the policy of the Livermore 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.

355.3 REGISTRATION

The Investigative Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

355.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

355.4 MONITORING OF REGISTERED OFFENDERS

The Investigative Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Investigative Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Livermore Police Department personnel, including timely updates regarding new or relocated registrants.

355.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Livermore Police Department's website. Information on sex registrants placed on the Livermore Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

355.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

- (a) The offender's full name
- (b) The offender's known aliases
- (c) The offender's sex
- (d) The offender's race
- (e) The offender's physical description
- (f) The offender's photograph
- (g) The offender's date of birth
- (h) Crimes resulting in the registration of the offender under Penal Code § 290
- (i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

355.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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- (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).

355.6 POLICY REVIEW

This policy was reviewed by Officer Mariconi on 05/05/20

Major Incident Notification

357.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

357.2 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the Division Commanders. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Livermore official
- Arrest of a department employee or prominent Livermore official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

357.2.1 DIVISION COMMANDER ONLY NOTIFICATION OR DELAYED NOTICE

Notification should be made up the chain of command. The Division Commander is responsible to ascertain whether the Chief of Police should be notified immediately or at a later time.

In determining when to notify the Chief of Police, the Division Commander should consider the following:

- Time of Day
- Public or media access to the Chief of Police
- Need for immediate action on the part of the Chief of Police

357.3 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the cellular telephone number first and then by any other available contact numbers. The contact should be followed up with an email as soon as practical.

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357.3.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected. Notification shall also be made via email to the "LPD City Executive" email group for any critical incident described in policy section 358.2 as soon as practical.

357.3.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

357.3.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

357.3.4 CHIEF OF POLICE (PIO)

The Chief of Police shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

357.4 POLICY REVIEW

This policy was reviewed by Lieutenant Trudeau on 11/16/15

Death Investigation

359.1 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.

359.2 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.

359.2.1 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.

359.2.2 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.

359.2.3 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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359.2.4 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.

359.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

Attended Deaths (including decedents under Hospice care):

An attended death occurs when the deceased was under the care of an "attending" physician. The deceased had visited the physician recently, usually within the last 20 days, the deceased had been diagnosed with a terminal condition and/or the deceased was expected to die soon from natural causes. In any case the attending doctor must agree to sign the death certificate and list the cause of death.

All incidents involving attended deaths (including Hospice care patients) shall be documented in a police report that shall include, but is not limited to the following:

Name and contact information of the reporting party

Name and identifying information of the decedent

Decedent's illness, which caused his/her death

Name of physician who signed the death certificate

Date and time the decedent was last seen alive

Location of decedent when found

If a Hospice care patient, the name of the Hospice care organization

Name of coroner contacted

359.2.6 SUSPECTED HOMICIDE

If the responding supervisor suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to respond to the scene for further immediate investigation.

359.2.7 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)).

359.3 POLICY REVIEW

This policy was reviewed by Sgt. Reynolds on 11/16/15

Identity Theft

361.1 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.

361.2 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.
- (g) Officers Should provide the victim with a Livermore Police Department Identity Theft Pamphlet.

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Identity Theft

361.2.1 REPORTING FORMS

The reporting officer shall document an identity theft investigation using the standard crime reporting process in the Records Management System.

361.3 PREVENTION AND VICTIM ASSISTANCE

Fraud prevention materials and publications shall be made available to the public at their request, and also on the Livermore Police Department website. The Support Services Manager is responsible for ensuring the materials are updated as necessary.

361.4 POLICY REVIEW

This policy was reviewed by Officer Gumban on 12/07/15.

Private Persons Arrests

363.1 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.

363.2 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.

363.3 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.

363.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking
 2. Release the individual pursuant to a Notice to Appear
 3. Release the individual pursuant to Penal Code § 849

363.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign department related documents such as a CAR, citation, statement, etc. Officer shall complete a narrative report regarding the circumstances and disposition of the incident.

363.6 POLICY REVIEW

This policy was reviewed by Sergeant Mayberry 11/17/15

Arrest Warrant Procedures

364.1 PURPOSE AND SCOPE

The processing and serving of warrants of arrest is an important function of law enforcement. One objective of this department is to carry out the warrant functions as effectively as possible within the appropriate legal, ethical, and financial constraints.

364.2 POLICY

It shall be the policy of the Livermore Police Department to properly process, secure and serve all warrants received with maximum effectiveness.

364.3 PROCEDURE

364.3.1 OPERATIONS DIVISION RESPONSIBILITY

The patrol sergeant shall assign warrants prepared by the warrant clerk to specific officers. The assigned officers shall attempt to serve them. All available leads shall be pursued within practical constraints. If after an attempt to serve a warrant, the warrant is not served, the officer shall advise the PSD (Public Safety Dispatcher) via the radio or telephone. The PSD will make the necessary notation of due diligence in the computerized AWS (Automated Warrant System). If the subject no longer lives in the area, the warrant clerk will attempt to locate a current address by running a driver's license check through the DMV system. The warrant clerk shall update the Automated Warrant System with any changes.

When a person is arrested on a warrant, the officer shall advise the PSD by radio transmission or telephone. The PSD will update the warrant status in the Automated Warrant System. The wanted person shall either be booked into jail or cite released in accordance with Department Policy. When a person is arrested on an Automated Warrant System warrant indicating "no cite," the computer generated abstract will verify that the person may not be cite released. When another agency is not part of the Automated Warrant System and they are called to confirm a warrant, that agency may indicate that the person may not be cite released. This indication ("no cite") must be listed on the subsequent warrant abstract sent by the outside agency.

When a person is arrested on another agency's Warrant, a teletype shall be sent notifying the agency that the person is in custody and has either been Cite released in accordance with Department Policy, or is available for pickup at the County Jail. Teletype notification and warrant update are the responsibility of the Dispatch PSD.

364.3.2 PRISONER TRANSPORTATION ON LIVERMORE WARRANTS

- (a) Single Day Transports from Other Agencies
 1. Primary responsibility for prisoner transports that can be accomplished within one calendar day, i.e. not required overnight accommodations, shall be with the on duty Watch Commander.

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2. Inability to accomplish the transport within 48 hours of notification because of shortage in personnel staffing on all watches shall be brought to the attention of the CIB Sergeant who will assign CIB personnel to facilitate the transport.
3. The decision whether the transport requires one or two officers is to be made after considering the following:
 - (a) Information known about the prisoner, i.e. propensity towards violence or escape, criminal history, nature of pending charges, mental state and prior threats of violence.
 - (b) Gender of the prisoner, because an officer of the opposite gender should not be the sole transporting officer.
 - (c) Distance of transport and time needed to transport.
- (b) Multi-day Transports from other Agencies
 - (a) Primary responsibility for prisoner transports that can only be accomplished in more than one calendar day shall be with the CIB Sergeant.
 - (b) In deciding whether the extended transport requires two officers, the CIB Sergeant shall consider the same facts as stated in Section B 4 (a-c).
- (c) Process for Prisoner Transportation
 - (a) When a teletype requesting a prisoner pick up is received, the on-duty Public Safety Dispatcher shall complete a warrants/criminal history check on the subject, attach the printout to a copy of the teletype along with a copy of the warrant and forward it directly to the on-duty Watch Commander. The PSD shall date and initial the Teletype and note the name of the Watch Commander. A copy of the Teletype shall be routed to the warrant clerk.
 - (b) The on-duty Watch Commander shall determine the following:
 - (a) If immediate action is needed to avoid violation required time limitations.
 - (b) If transportation can be completed within the required time limitation by the current on-duty watch.
 - (c) The prisoner pickup must be made within five (5) calendar days as stated in Penal Code §§ 821 and 822.
- (d) If the above cannot be accomplished, the on-duty Watch Commander shall forward the copy of the Teletype for multi-day or third party transportation to the CIB Sergeant.
- (e) Any personnel assigned prisoner transport shall consider the following prior to transport and take the appropriate action:
 1. Verify the person is still in custody.
 2. Determine the time frame in which the prisoner must be brought to court.
 3. Cite release the prisoner with a court date set in accordance with Department Policy.

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4. Arrange for an "own recognizance" release with a judge, then Teletype the agency holding the prisoner. An exception to this is warrants that are in the DOJ-CJIS system.
 5. On minor traffic offenses, request a judge issue a "judgment suspended" and notify the holding agency.
 6. Ascertain if the holding agency can transport to SRS when appropriate.
- (f) The CIB Sergeant, in addition to Section B 4 (a-c) shall consider the following prior to transport and take appropriate action:
1. Los Angeles Sheriff's Bus (contracted through the Alameda County Sheriff's Office): Arrangements are made through ACSO Warrants Division, Transportation Deputy (925) 551-6668.
 2. The CIB Sergeant will maintain a suspense file of all third party transportation. Upon confirming the transport has been completed, the CIB Sergeant shall destroy the copy of the warrant/warrant abstract.
 3. In the event where the LASO transportation bus is not able to make the pick up or the arrestee is out of state, the Operations Division Commander will be notified. The Operations Division Commander will decide whether or not LPD will send officers to make the pickup, use TransCor America to make the pick up, or not make the pick up at all.
 - (a) No out of area or out of state pick ups will be made without authorization of the Operations Division Commander or his/her designee.
 - (b) Should LPD sworn personnel use a commercial airline for prisoner pick ups, they shall be trained in all FAA "flying armed" regulations. They will view the POST Flying Armed training video and follow all of the policies and procedures described therein.
 - (c) No less than two (2) officers will be used to transport a prisoner from out of the area.

364.3.3 OUT OF STATE TRANSPORTS

If an LPD fugitive is arrested in another state for an LPD arrest warrant the following procedure shall be followed:

- (a) The CIB sergeant will obtain approval for the extradition from the CIB Lieutenant. The CIB sergeant will assign a detective to handle the case.
- (b) The Alameda County District Attorney's office will be contacted and requested to issue a Governor's Warrant.
- (c) Once the Governor's Warrant is issued, transportation arrangements will be made as outlined above.

364.3.4 TRANSCOR AMERICA

Should TransCor America be contracted to carry out the transportation, the CIB sergeant will fill out the Prisoner Transportation Order Form, and fax it to TransCor at 800-211-9438 or 615-251-6855.

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The CIB sergeant will follow up with a confirmation phone call at 707-823-9894. It is important for the CIB sergeant to ensure that all of the contractual agreements set forth in the contract are adhered to prior to the actual transport of the prisoner.

(a) Responsibility upon Completion of Transportation:

1. The arresting officer shall attach all documentation relating to the warrant to the CAR and submit them for approval.
2. Copies of the warrants and warrant abstracts shall be maintained in the warrant box in dispatch.
3. The approving supervisor shall compare all documents relative to the identification and custody status for accuracy and forward that documentation and the CAR for processing.
4. In order to ensure confidentiality, the processing PSD shall destroy computer arrest record printouts when appropriate.

364.4 POLICY REVIEW

This policy was reviewed by Captain Sarsfield on 04/23/19

Anti-Reproductive Rights Crimes Reporting

365.1 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.).

365.2 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.

365.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Records Unit.
- (c) By the tenth day of each month, it shall be the responsibility of the Records Unit 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.

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2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

365.4 POLICY REVIEW

This policy was reviewed by Records Supervisor Jennifer Michelson on 12/02/15.

Limited English Proficiency Services

367.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

367.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the City and 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 Livermore Police Department, designated by the City and 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).

367.2 POLICY

It is the policy of the Livermore 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.

367.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

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367.3 LEP COORDINATOR

The Operations Division Captain or his/her designee will be the LEP Coordinator.

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

- (a) Coordinating and implementing all aspects of the Livermore 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 Supervising Public Safety Dispatcher. 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.

367.3.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established department procedures, a level of competence to ascertain

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whether his/her language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when acting 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. When bilingual personnel from this department are not available, personnel from other city departments who have the requisite training may be requested.

367.3.2 TELEPHONE INTERPRETER SERVICES

The Watch Commander and the Support Services Manager will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist department personnel in communicating with LEP individuals via official cellular telephones.

367.4 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:

- (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.

367.5 TYPES OF LEP ASSISTANCE AVAILABLE

Livermore 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.

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Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

367.6 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.

367.7 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.

367.8 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 City of Livermore's Human Resources Department 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.
- (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.

367.8.1 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.

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- 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.

367.8.2 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.

367.9 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.

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.

367.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Livermore Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

367.10.1 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

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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.

367.11 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.

367.12 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

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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.

367.13 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.

367.14 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.

367.15 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.

367.16 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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367.17 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 Sergeant 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 Sergeant 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.

367.18 POLICY REVIEW

This policy was reviewed by Officer Grajeda on 01/26/16

Communications with Persons with Disabilities

369.1 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.

369.1.1 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.

369.2 POLICY

It is the policy of the Livermore 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.

369.3 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 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 Livermore 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 Supervising Public Safety Dispatcher. 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.

369.3.1 TELEPHONE INTERPRETER SERVICES

The Watch Commander and Supervising Public Safety Dispatcher will maintain a list of qualified interpreter services to be contacted at department expense to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

369.4 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).

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- (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.

369.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

369.5 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.

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If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Livermore 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.

369.6 TYPES OF ASSISTANCE AVAILABLE

Livermore Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

369.7 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.

369.8 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.

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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).

369.9 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).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

369.10 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.

369.11 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.

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369.12 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.

369.13 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.

369.13.1 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.

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- (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.

369.14 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 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.

369.15 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.

369.16 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

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or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

369.17 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.

369.18 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 Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

369.18.1 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.

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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 occur every six months.

369.19 POLICY REVIEW

This policy was reviewed by Sergeant Goard on 11/19/15.

Mandatory Employer Notification

371.1 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.

371.2 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.

371.2.1 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).

371.2.2 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).

371.2.3 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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371.2.4 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).

371.3 POLICY

The Livermore Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

371.4 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).

371.5 POLICY REVIEW

This policy was reviewed by Captain Young on 02/17/17.

Chaplains

374.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Livermore Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

374.2 POLICY

The Livermore Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

374.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

374.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Livermore 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.

374.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Attend and complete the Livermore Police Department's Citizens Academy
- (b) Submit the appropriate written application.
- (c) Include a recommendation from their Church/Pastor and volunteer coordinator.
- (d) Interview with the Chief of Police and the chaplain coordinator.
- (e) Successfully complete an appropriate-level background investigation.
- (f) Complete an appropriate probationary period as designated by the Chief of Police.

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Chaplains

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment.

374.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Livermore Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Livermore 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.

374.6 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 Administrative 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.

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, supervising and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

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Chaplains

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

374.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, 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 Livermore Police Department.

374.7.1 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.

374.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains will be on a rotational on-call schedule established by the Chaplain Coordinator.
- (b) Generally, each chaplain will serve with Livermore Police Department personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain should complete a chaplain shift report and submit or email it to the Chaplain Coordinator.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe Livermore Police Department operations, provided the Watch Commander has been notified and has approved the activity.
- (e) In responding to incidents, a chaplain shall never function as an officer.
- (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 Livermore 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.

374.7.3 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

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- (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.

374.7.4 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.

374.7.5 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings.

374.7.6 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.

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374.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Police Department may work or volunteer for the Livermore 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 Livermore Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

374.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

374.10 POLICY REVIEW

This policy was reviewed by Captain Sarsfield on 3/23/16

Crime Prevention and Community Involvement

375.1 ORGANIZATION AND RESPONSIBILITY

Crime prevention and community education is the shared responsibility of all members of the Livermore Police Department. During the scope of their duties, all members are expected to provide useful crime prevention information to community members whether it be in person, over the telephone, or through the media, computer, or written correspondence.

375.1.1 SPECIAL OPERATIONS DIVISION COMMANDER

The Special Operations Division Commander or his/her designee (Crime Prevention Unit) is responsible for the department's overall crime prevention activities and shall ensure that an evaluation and review of these programs occurs at least once every three (3) years.

The Special Operations Division Commander or his/her designee is also responsible to ensure patrol staff engage in crime prevention activities by:

- Offering information about crime prevention programs to victims and community members when possible.
- Attend Neighborhood Watch Meetings within their beat when available.
- Transmit relevant information received regarding community concerns or problems to the Crime Prevention Unit.

375.1.2 CRIME PREVENTION SPECIALIST/OFFICER

The Crime Prevention Specialist/Officer, under the supervision of the Special Operations Division Commander or his/her designee, develops and carries out procedures for the delivery of crime prevention and community involvement.

At least quarterly, the Crime Prevention Specialist/Officer will prepare and submit a report to the Chief of Police, via the chain of command, regarding:

- Current community concerns or potential problems that have been identified
- Actions recommended to remedy identified problems; and
- Any progress made toward the solution of the concerns or problems
- Suggestions for proactive crime prevention strategies related to ongoing trends or forecasted problems

375.2 POLICY REVIEW

[This Policy was reviewed by Captain Boberg.](#)

Donations, Gratuities, Gifts, and Rewards

376.1 PURPOSE AND SCOPE

The purpose of this policy is to define the differences between donations, gratuities, gifts, and rewards. It is intended to define the circumstances in which donations to the department are acceptable and to establish a procedure for the acceptance, documentation and reporting of donations. In addition, this policy defines the restrictions placed on police department employees for receiving rewards.

376.2 DEFINITIONS

Donation: A gift or contribution that is a benefit to the department and/or community.

Gratuity: A favor or gift in the form of services or money given to an individual member of the department in return for services or the expectation of preferential treatment.

Solicitation: To obtain goods and services by request or persuasion.

Reward: Something given for a special service.

376.3 POLICY

- (a) It is the policy of the Livermore Police Department that all personnel, sworn and civilian, full-time or part-time shall not, either on or off duty, engage in the solicitation of donations for any unit within the department without prior approval from the Chief of Police. This policy is not intended to limit the various employee groups from soliciting public support and donations, independent of the Livermore Police Department and the City of Livermore.
- (b) Citizen support/volunteer groups, formed for the purpose of assisting the Livermore Police Department, may solicit donations from the community with prior approval from the Chief of Police.
- (c) All donations received by members of the department, shall be reported to the Professional Standards Unit for documentation and tracking purposes.
- (d) The Professional Standards Unit will maintain a data base of all contributors and their donations for auditing and reporting purposes.
- (e) Gratuities shall not be solicited or accepted by any member of the police department or citizen support groups formed to assist specialized police units. It shall be made clear to all who choose to contribute goods, services or money to the department that no expectation of preferential services or treatment either expressed or implied will result from the donation. Language indicating this will be part of the donation receipt form.
- (f) Members of this department, sworn or civilian, full-time or part-time shall not, either on or off duty, take advantage of preferential pricing or services by the Livermore business community due to the employee's status as a member of the police department.
- (g) Non-solicited donations of goods, services or money, valued at \$1,500 or less, may be accepted by the department or members of the department when the donation will

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clearly benefit the greater good of the department and/or the community. These funds shall be routed to the City Finance Department for deposit in the proper account.

- (h) Generally, the police department will not endorse, recommend or lend the name of the police department to any for profit business, organization or political figure. It will be acceptable, however, for businesses to associate with the police department by attending functions sponsored by the department and posting signage advertising their businesses. Compensation will not be accepted by the department, or members of the department, for the posting of said signage or attendance at police sponsored events.
- (i) Members of the police department may participate in fundraising events for nonprofit organizations. Fundraising in these cases may be done in uniform and in association with for profit businesses.
- (j) Members of this department, sworn or civilian, full-time or part-time shall not be eligible for or receive rewards for actions performed as the result of employment with the police department or as a result of information gained by employment with the department.

376.4 PROCEDURE

- (a) All members of the department who receive donations, of either goods, services or money, shall complete the Donation Receipt Form at the time the donation is received. A copy of the form shall be given to the donator and the original shall be routed to the Professional Standards Unit via chain of command.
- (b) The Chief's office will ensure proper acknowledgement and appreciation will be provided to the donator.
- (c) The Professional Standards Unit is charged with tracking all donations to the police department utilizing information from the Donation Receipt Form. The purpose of tracking donations is to alleviate duplicate donations and requests, and for yearly reporting and auditing purposes.
- (d) The Professional Standards Unit shall perform a yearly audit and produce an annual, calendar year report detailing all donations to the department. This report will detail the value of donations received and the department or unit use or intended use of each donation.

376.5 POLICY REVIEW

This Policy was reviewed by Captain Sarsfield

[See attachment: Donation Receipt.pdf](#)

Child and Dependent Adult Safety

378.1 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.

378.2 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 Livermore 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.

378.3 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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378.3.1 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.

378.3.2 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.

378.3.3 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

378.3.4 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.

378.4 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.

378.5 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

378.6 POLICY REVIEW

This policy was reviewed by Officer Burruss 11/23/15

Service Animals

380.1 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).

380.1.1 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)).

380.2 POLICY

It is the policy of the Livermore 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.

380.3 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.

380.4 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 Livermore Police Department affords to all members of the public (28 CFR 35.136).

380.4.1 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.

380.4.2 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.

380.4.3 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.

380.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany

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their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

380.5 POLICY REVIEW

This policy was reviewed by Animal Control Officer Holmes on 12/02/16.

Volunteer Program

382.1 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.

382.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

382.2 VOLUNTEER MANAGEMENT

382.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Support Services Captain. 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.

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- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

382.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public. All volunteers shall complete the Livermore Police Department's Citizens Police Academy prior to being considered for a volunteer position.

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.

382.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment
- (c) References
- (d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

382.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

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Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

382.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

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

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

382.2.6 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.

382.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

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Volunteers shall be required to return any issued uniform or department property at the termination of service.

382.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

382.4 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.

382.5 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.

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382.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid California Driver License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

382.5.2 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.

382.6 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.

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.

382.6.1 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.

382.7 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.

382.8 POLICY REVIEW

This policy was reviewed by Crime Prevention Specialist Aguon on 11/17/15.

Off-Duty Law Enforcement Actions

384.1 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 Livermore Police Department with respect to taking law enforcement action while off-duty.

384.2 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, property crimes, or other misdemeanor 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 may take reasonable action to minimize the threat.

When public safety requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

384.3 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 identification and should carry their department-issued badge.

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.

384.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

384.4.1 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 Livermore Police Department officer until acknowledged. Official identification should also be displayed.

384.4.2 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.

384.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn 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.

384.4.4 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.

384.5 REPORTING

Any employee 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.

Employees should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

384.6 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Social Media Communication

388.1 PURPOSE AND SCOPE

In an effort to engage and reach a broader community audience, the Livermore Police Department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes, increase transparency; and foster productivity.

This policy does not address the policies and guidelines for personal use of social media by department personnel.

388.2 OBJECTIVES FOR USE OF SOCIAL MEDIA

Social media provides a new and potentially valuable means of assisting the department and its personnel in the community outreach, problem-solving, investigation of crimes, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The Department has defined the following objectives for the use of social media:

- (a) To generate awareness, build relationships, and enhance community engagement
- (b) To create a method of communicating public safety information that requires some type of action or response on the part of our citizens
- (c) To communicate in a professional and concise manner reflective of the culture and demeanor of our department
- (d) To provide the community with a realistic understanding of the level of criminality in our city and collectively have an impact on crime

388.3 DEFINITIONS

- (a) **Blog** - A self published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log".
- (b) **Page** - The specific portion of a social media website where content is displayed and managed by an individuals with administrator rights.
- (c) **Profile** - Information that a user provides about himself or herself on a social networking site.
- (d) **Social Media** - A category of Internet-based resources that integrate user-generated content and user participation. This includes but is not limited to, social networking sites (Facebook, Instagram, Twitter), microblogging sites (Twitter, NIXLE), photograph and video-sharing sites (YouTube), wikis (Wikipedia), blogs, RSS feed and news sites (Digg, Reddit).
- (e) **Speech** - Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

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- (f) **Web 2.0** - Second generation of the World Wide Web that is focused on the ability for people to collaborate and share information online. Some use this term interchangeably with social media.
- (g) **Wiki** - Web page(s) that can be edited collaboratively.

388.4 DEPARTMENT SANCTIONED PRESENCE

All Livermore Police Department posts on social media sites are subject to approval by the Chief of Police and shall be administered by the designated Supervisor of the Public Information Officer program and/or a Public Information Officer, or as otherwise determined.

388.4.1 STRATEGY FOR USE

Each social media page should include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.

The page(s) should be linked to the department's page on the City of Livermore website.

388.4.2 PROCEDURES

Social media pages should clearly indicate they are maintained by the department and shall have department contact information prominently displayed.

Social media content should adhere to applicable laws, regulations, and policies, including all information technology and records management policies to include:

- (a) Content is subject to public records law.
- (b) Relevant records retention schedules apply to social media content.
- (c) Content must be managed, stored, and retrieved to comply with the open records laws and e-discovery laws and policies.

Social media pages should state the opinions expressed by the visitors to the page(s) do not reflect the opinion of the department. Pages should inform the visitor that posted comments will be monitored and that the department reserves the right to remove obscenities and personal attacks.

Pages should inform the visitor that any content posted or submitted for posting is subject to public disclosure.

388.5 AUTHORITY AND GUIDELINES

The Supervisor of the department's Press Information Officer program shall serve as the department's social media administrator. Additional administrators will be added as directed by the Chief of Police.

Department personnel authorized to represent the department should attend social media training and must receive express authorization by the Chief of Police before being granted access and posting authority.

Department personnel authorized to represent the department should do the following:

- (a) Conduct themselves at all times as representatives of the department and accordingly, shall adhere to all department standards of conduct and observe conventionally

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accepted protocols and proper decorum. Employees must not use profanity, obscenities, or derogatory remarks.

- (b) Identify themselves as a member of the department
- (c) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs, or videos related to department training, activities, or other work-related assignments without express written permission.
- (d) Not conduct political activities or private business.

Release of "Law Enforcement Sensitive" and "Sensitive but Unclassified" information/material to the public is prohibited.

Authorized employees should understand there are federal laws and statutes that may apply to electronic communications and social media. Applicable federal laws and statutes include but are not limited to:

- (a) Americans with Disabilities Act of 1990
- (b) Communications Decency Act of 1996
- (c) Copyright Act of 1976
- (d) Digital Millennium Copyright Act of 1998
- (e) Electronic Communications Privacy Act of 1986
- (f) Privacy Act of 1974
- (g) Telecommunications Act of 1934 and 1996
- (h) Federal Communications Commission Rules and Regulations

Employees shall observe and abide by all copyright, trademark, and service mark restrictions when posting materials to electronic media.

Employees shall not publish the creative work of another, or certain confidential business information without written permission of the owner.

Employees shall not publish or post false information that harms the reputation of another person, group, or organization (defamation).

All messages, pictures and attachments transmitted, accessed or received through the use of social media are considered department records and, therefore, are the property of the Department.

Employees should not use social media resources to advertise or to directly benefit commercial/for-profit businesses.

Employees may choose to mention, link and/or repost public information from government agencies

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The advertisement, posting, or mentioning of non-profits and professional organizations shall be approved by the Chief.

Where applicable, users and visitors should be notified that the intended purpose of the site is to serve as a mechanism for communication between the police department and members of the public. Take down policy guidelines shall be displayed to users or made available by hyperlink. Any content removed based on the take down policy guidelines must be retained. Information retained should include the time, date, and identity of the poster when available. Comments containing any of the following forms of content shall not be allowed:

- (a) Comments not topically related to the particular social medium article being commented upon
- (b) Comments in support of or opposition to political campaigns or ballot measures
- (c) Profane language or content
- (d) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation
- (e) Sexual content or links to sexual content
- (f) Solicitations of commerce
- (g) Conduce or encouragement of illegal activity
- (h) Information that may tend to compromise the safety or security of the public or public systems
- (i) Content that violates a legal ownership interest of any other party

The Department shall approach the use of social media tools as consistently as possible, enterprise wide.

388.6 SANCTIONED USES

Although social media is designed as a community/neighborhood leave information system, it should be expected that any social media posting will be monitored by the media. As such, all employees shall adhere to the provisions outlined in Policy 346 (News Media Relations).

Social media is a valuable investigative tool when seeking evidence or information about:

- (a) Missing persons
- (b) Wanted persons
- (c) Gang participation
- (d) Crimes perpetrated online (i.e., cyber-bullying, cyber-stalking)
- (e) Photos or videos of a crime

Social media can be used for community outreach and engagement by:

- (a) Providing crime prevention tips

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- (b) Offering online-reporting opportunities
- (c) Sharing crime maps and data
- (d) Soliciting tips about unsolved crimes (i.e., Crime stoppers, Text-A-Tip)
- (e) Providing information about community programs or events

Social Media can be used to make time-sensitive notifications related to:

- (a) Road closures
- (b) Special events
- (c) Local and area wide emergencies or special police activities
- (d) Weather emergencies
- (e) Missing or endangered persons

Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media may be used as recruitment mechanism.

388.7 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

VIDEO POSTING POLICY

390.1 PURPOSE AND SCOPE

The Livermore Police Department recognizes that the use of video has been a source of communication and information gathering commonly used by the community and the media. In an effort to accommodate the needs of the community, as well as, the media, the Livermore Police Department endorses the secure use of video posting as a means to reach out and communicate more effectively to the community. The Livermore Police Department will enable access to online video content, as this is the way many residents communicate and obtain information online. Key objectives for video content shall meet one or more of the following goals: to further the department's mission, to provide information about police services, to showcase police and community events, and to explore police issues. The Livermore Police Department encourages the use of video content to further the goals of the City and the mission of the police department. This policy shall be used in conjunction with the Livermore Police Department's Social Media Communications Policy.

390.2 AUTHORITY AND GUIDELINES

- The Chief of Police or their designee will be responsible for approving the video content.
- Video quality must be comparable to DVD resolution quality which has a resolution of 720 x 480 DPI (dots per minute) for NTSC (National Television System Committee) DVD and MPEG-2 compression.
- Low quality video will be considered as long as the audio portion is clear and the content is compelling and informative.
- The Department may post videos on the department's website and the department's social network site if determined appropriate by the Chief of Police or his designee.
- When necessary, the department must secure permission from the author or owner for the right to use all of, or part of, a video if the video was not produced by the department or any other city department.
- Links to external videos are permitted but it must only be used when content is relevant and necessary approvals are received.

390.3 SUBMITTING VIDEOS TO HOSTING SITES

- Videos may be submitted to hosting sites such as YouTube and Vimeo, as well as, Facebook and on the city's website under the direction of the Chief of Police or his designee.
- Most of these sites limit the video to the lesser of 10 minutes in length.

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VIDEO POSTING POLICY

390.4 VIDEO ARCHIVE

The Chief of Police or their designee will maintain the video for purposes of records retention in accordance with applicable City policies regarding retention.

390.5 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Gun Violence Restraining Orders

391.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

391.1.1 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).

391.2 POLICY

It is the policy of the Livermore Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

391.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

391.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

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- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

391.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

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).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor 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.

All served, or attempted services of, GVRO's should be documented in a related report. A copy of the police report shall be routed to the City Attorney's office as soon as feasible.

391.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.

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- (c) Forward a copy of the order to the Records Supervisor for filing with the court and appropriate databases.

391.5 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.
 - 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.

391.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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391.7 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.

391.8 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.

391.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator, the Criminal Investigation Lieutenant. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
 1. A temporary emergency gun violence restraining order.
 2. An ex parte gun violence restraining order.
 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 2. Whether the potential victim is within close proximity.
 3. Whether the person has expressed suicidal tendencies.
 4. Whether the person has access to firearms.
 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.

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7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

391.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigative Bureau supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

391.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

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391.12 TRAINING

The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

391.13 POLICY REVIEW

This policy was reviewed by Captain Boberg

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Livermore, 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) Attend community events, neighborhood watch meetings, and other area events to share information and build relationships within the community
- (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 assigned area or neighborhood
- (i) Traffic direction and control
- (j) Make casual and consensual contacts with community members to promote positive community relationships.
- (k) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (l) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status and location before beginning and upon completion of the foot patrol.

400.1.2 TERRORISM

It is the goal of the Livermore 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

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be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Criminal Investigative Bureau Supervisor in a timely fashion.

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 Livermore Police Department.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Briefings as time permits.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.3.1 CAMPUS LIAISON

A college or university in this jurisdiction should designate a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

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400.4 PATROL AREAS

The City is geographically segmented into three area commands. Officers should be assigned to an area for the duration of the shift rotation when possible. This allows officers to become more familiar with their neighborhoods, businesses and issues in the area.

Officers are responsible for taking a proactive, community-policing approach to the issues within their area command.

400.5 POLICY REVIEW

This policy was reviewed by Captain Young on 08/22/17.

Criminal Intelligence

401.1 PURPOSE AND SCOPE

It is the policy of the Livermore Police Department to gather and disseminate criminal intelligence in a manner that is in compliance with 28 Code of Federal Regulations (CFR), Part 23, Criminal Intelligence.

This policy is to ensure Criminal Intelligence Unit responsibility for maintenance and security of the Department Master Intelligence Files, composed of informant intelligence, and information regarding criminal activity, as well as maintaining compliance with 28 CFR, Part 23, Criminal Intelligence Operational Guidelines.

Policy Enacted: October 28, 2009

401.2 PROHIBITED PRACTICES

1. The collection of data on any individuals or groups on the basis they support unpopular causes.
2. The collection of data on an individual based on their race, color, religion, sex, age, national origin, ancestry, marital status, handicap, or sexual preference.
3. No member of this department shall engage in illegal activities, nor employ or direct another to use illegal means.
4. No one shall use surveillance or electronic surveillance equipment to engage in illegal activities, for personal or economic gain.
5. Intelligence use or information disclosure shall not be used for political or economic gain.
6. No one shall disclose any information regarding surveillance sites, and/or equipment or radio frequencies used unless ordered by a Magistrate, as needed to further an inter-agency investigation, or in certain training situations.
7. No information obtained while violating Federal, State or Local law shall be submitted to Criminal Intelligence for the Master Intelligence File.
8. No one shall violate anyone's Constitutional rights (as defined by legislation and judicial decision) in pursuit of intelligence.
9. Intelligence information shall not be broadcast via radio

401.3 INTELLIGENCE INFORMATION USES

Intelligence information may be used under the following circumstances:

1. As probable cause when obtained directly from the submitting officer.
2. For law enforcement purposes ONLY and dissemination is based on the receiver's legal right and need to know.
 - a. Should the receiving officer pass the information along to another officer, the receiving officer is responsible for maintaining the audit trail of intelligence dissemination.

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401.4 TYPES OF INTELLIGENCE INFORMATION COLLECTED

Criminal activity intelligence includes the following crimes:

- Arson
- Assault
- Battery
- Bribery
- Burglary
- Corruption
- Embezzlement
- Explosives
- Extortion
- Fraud
- Fugitives
- Fencing
- Gambling
- Hate Crimes
- Homicide
- Inmate Releases
- Informants
- Kidnapping
- Labor Racketeering
- Liquor Violations
- Loan Sharking
- Narcotics
- Organized Crime
- Pornography
- Prostitution
- Robbery
- Sex Offenses
- Stolen Vehicles

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- Terrorism
- Theft
- Weapons Violations

Other intelligence gathered includes:

- Organizations advocating the use of violence or other unlawful means to affect any unit of government.
- Organizations that possess or attempt to acquire firearms, ammunition, explosives, chemicals, biological or radiological weapons for unlawful purposes.
- Organizations that finance violent or unlawful activities
- Individuals who threaten, plan, or commit acts of violence or other criminal acts, or where there is a reasonable belief they will do so.

401.5 INTELLIGENCE SUBMISSION REPORTS (ISR)

An ISR shall be completed by any officer when receiving or discovering information concerning criminal activity or other intelligence as listed above. This may be transcribed on the "Intelligence Report System" or written by the officer.

The Intelligence Submission Report will contain information on individuals, groups, businesses or organizations reasonably suspected of being involved in criminal activity. Reasonably suspected is simply defined as being more likely to be true than not.

Each report must be given a reliability test and a validity test by the officer writing it. The weight each is granted (see categories below) helps determine how much emphasis can be placed on the information.

Objective, distinguishing, reliable or verified information from opinion, inference, and hearsay. The report should be arranged in a logical and concise manner.

All data should be substantiated by other sources; however, this may not be possible in every instance. Therefore, information properly identified as unconfirmed may be submitted.

An indication of source reliability by noting one of the following categories:

- a. Completely Reliable refers to a source about whom there is no doubt as to their trustworthiness or competence - totally reliable in all instances.
- b. Fairly Reliable refers to a source about which there is some doubt as to their trustworthiness or competency, but in the past has proved reliable in a moderate number of cases.
- c. Unreliable refers to a source about whom there is doubt as to trustworthiness.
- d. Validity assessments will be indicated on the officer's Intelligence reports concerning information received.
- e. Confirmed by other source, same information received through a different source.

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f. Possible True refers to information that when compiled or compared with other information suggests some reliability.

g. Improbable refers to information that is unlikely due to conflicting reports.

h. Truth cannot be judged refers to lack of knowledge or intelligence on same subject

If the information is of a highly sensitive nature or if the officer believes the source of the information will be compromised, the report should be submitted directly to the Criminal Intelligence Analyst with specific instructions concerning dissemination.

All requests for Computer Aided Dispatch (CAD) entries of hazardous locations or persons must be documented on a ISR. The Criminal Intelligence Analyst shall be responsible for retention and purging of this information. When information is to be purged, the Criminal Analyst shall notify the Unit Supervisor, who will then approve/disapprove the process. Notification of purging will be routed to the Supervising Public Safety Dispatcher for completion.

CRIME STOPPERS information will be submitted to the Intelligence Unit through use of the Intelligence Submission Form. Information in the report will be carefully scrutinized and censored where appropriate to protect the identity of the caller. The Crime Stoppers name and any identifying information will be removed from all reports before final storage in the intelligence files. Once approved, the Crime Stoppers information will be given to the Crime Prevention Specialist for submittal and dissemination.

The Criminal Intelligence Analyst will be responsible for maintaining a record of all requests for intelligence data. a. This Criminal Intelligence Analyst will review all intelligence information coming from officers or other agencies.

401.6 REQUEST FOR INTELLIGENCE INFORMATION

1. All requests will be made to the Intelligence Unit Supervisor or his/her designee.

a. The request can be made by oral or written communication.

b. A requesting agency must state the reason for said request and the nature of the investigation.

c. The Intelligence Unit supervisor or designee will be responsible for maintaining records of all requests for intelligence data.

d. The Intelligence Unit shall maintain an audit trail of all disseminated intelligence data.

2. The following checklist will aid in determining the information dissemination level:

a. All officers (officer safety).

b. Investigators (on specific case).

c. Specialized Units (in that field of investigation).

d. The particular agency which may be impacted.

e. State LEIU database (if impacts outside jurisdiction).

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401.7 RISK ASSESSMENT FORMS

Risk Assessment forms may be completed by any officer. Risk Assessment forms shall be completed on any operation that is outside the norm of daily operations. Examples would include: Search Warrant, Parole/Probation Search, and Arrest Warrant Service where forced entry is anticipated. This includes operations to be conducted in our city by outside agencies.

Risk Assessment forms are to be approved by a Watch Commander and all supporting documentation shall be attached to the Risk Assessment form prior to submittal for approval. When practical, all "planned operations" shall be submitted to the Crime Analyst for background and intelligence gathering. The resulting Risk Assessment and background packet should be approved by the Tactical Team Commander or in his/her absence a Tactical Team Leader.

401.8 CRIMINAL INTELLIGENCE UNIT PROCEDURE

The Criminal Intelligence Analyst will maintain contact with other units and agencies to provide assistance with information, surveillance, or locating subjects.

- (a) Any requests for assistance requiring more personnel or time than this unit can offer shall be forwarded through the Chain of Command.
- (b) The unit gathers other agency's operational information and act as a facilitator between agencies when they are working similar targets.
- (c) This unit participates in the following intelligence organizations and crime sharing plans:
 - 1. Western States Informational Network (WISN)
 - 2. Northern California Regional Terrorism Threat Assessment Center
 - 3. Immigration Customs Enforcement
 - 4. State/Federal Parole
 - 5. Alameda County Gang Violence Suppression Unit
 - 6. Alameda County Narcotics Task Force

This Unit serves as repository for parolee, probation, gang information and dissemination.

401.9 MASTER INTELLIGENCE FILE

The Unit Supervisor will review all intelligence information submitted and check for compliance with this policy.

- (a) If it does not comply with the criteria listed in this policy, it will be returned to the submitter or may be destroyed.
- (b) If it complies, it will be checked for completeness, consistency, and accuracy of information.

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The Intelligence Unit will follow up on any Intelligence Submission Reports when details are sketchy or inconsistent with what is known. The Unit will contact the source officer or agency to get correct information.

Only correct information will be used in the Master Intelligence File.

All Intelligence Submission Reports conforming to standard shall be entered into the Master Intelligence File.

The Unit shall store all hard-copy Intelligence Submission Reports received and shall purge them per procedure below.

- (a) These files will be kept separately from and securely maintained from any other files.
- (b) File access will be limited to Unit personnel.
- (c) Other personnel may review them under the supervision of Unit personnel.

401.9.1 INTELLIGENCE UNIT FILE PROCEDURE

No files are to be taken out of the Unit office without permission of the Intelligence Unit Supervisor.

The Intelligence Unit Supervisor, or designee, will secure the files at the end of each day.

Personnel working/assigned to the Intel Unit will not leave the office unattended unless they have closed the door and secured files.

The Intelligence Unit Office shall be keyed with a special master key. Keys will be assigned by the Operations Division Commander, and a log maintained by the Facilities Manager.

401.9.2 INTELLIGENCE UNIT, FILE PURGING PROCEDURE

Intelligence Records will be audited for purging each January. Those items qualifying for purging may include the following items:

- (a) The item is older than 5 years.
- (b) It has not been disseminated during the past 5 years.
- (c) There have not been any additions to the item in the past 5 years.
- (d) The purpose for originally collecting the information is no longer existent and/or legal. The item can no longer be validated, it is no longer relevant.
- (e) The nature of the information require it be kept longer than 5 years.
- (f) Would purging of the information impact the Department's intelligence and/or investigative operation.]
- (g) Is the data available in another system.

Items identified for purging shall be destroyed by the Intelligence Unit Supervisor.

The Intelligence Unit shall maintain a record of case numbers that have been purged each year.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Livermore Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

Police action that is biased is unlawful and alienates the public, fosters distrust of police, and undermines legitimate law enforcement efforts. Race, ethnicity or nationality, religion, sex, sexual orientation, gender, gender identity or expression, 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 enforcement of the law (ie., discriminatory or biased-based policing).

Community members may file complaints for alleged bias-based or discriminatory policing at <https://www.cityoflivermore.net/civicax/filebank/documents/4196/>. The Livermore Police Department will investigate all complaints of bias-based or discriminatory policing pursuant to Policy 1020, Personnel Complaints.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Assembly Bill 953 (2015), the Racial and Identity Profiling Act (RIPA) – Effective January 1, 2022, the Livermore Police Department is required to start collecting enforcement Stop Data for all vehicle and pedestrian stops resulting in a detention, or any other contact, including a consensual encounter, resulting in a search. The data to be collected includes, among other things, the perceived race or ethnicity, gender, approximate age of the person stopped, as well as other data such as the reason for the stop, whether a search was conducted, and the result of any such search. AB 953 further requires the Livermore Police Department to report the collected Stop Data information to the California Department of Justice (DOJ). Stop Data records submitted to DOJ pursuant to AB 953 will be stored in a statewide Stop Data Collection System (SDCS) repository.

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

Bias-by-Proxy – Occurs when individuals call the police and make false or ill-informed claims of misconduct about persons they dislike or are biased against based on explicit racial and identity profiling or implicit bias. When the police act on a request for service rooted in implicit or explicit

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bias, they risk perpetuating the caller's bias. Members should use their critical decision-making skills drawing upon their training to assess whether there is criminal conduct.

Implicit Bias – Refers to the attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Implicit biases are different from known biases that individuals may choose to conceal. Rather, implicit biases are not accessible through self-reflection or examination.

402.2 POLICY

A fundamental right guaranteed by the Constitution of the United States is due process and equal protection under the law guaranteed by the Fourteenth Amendment. Along with this right to due process and equal protection is the fundamental right to be free from unreasonable searches and seizures by government agencies as guaranteed by the Fourth Amendment. Therefore, the Livermore Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

402.3.2 BIAS-BY-PROXY

Bias-by-proxy can be defined as when an individual calls the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against (either implicit or explicit bias).

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- (a) Members should be aware of the potential for biased-based motivations behind calls for service.
- (b) Members should always aim to build community trust through all actions they take, especially in response to bias-based reports.
- (c) Members should exhibit critical decision making, drawing on their training and awareness of implicit and explicit bias, to assess whether there is a legitimate law enforcement purpose before taking action. Absent a legal duty to act, no member is obligated to take any discretionary action where bias-based motivation is behind a call for service.
- (d) When taking calls and dispatching, dispatchers should collect enough information necessary to verify there is a legitimate law enforcement purpose for the call and relay information without including biased assumptions. For suspected bias-motivated calls, dispatchers may use discretion to inform the caller that a member will not respond to the call without a legitimate basis of there being potentially criminal conduct or when there is no legitimate law enforcement purpose for responding.

If dispatchers assign a member to a call, they should inform the responding member(s) and the Watch Commander of any concerns with the call for service. The responding member and/or the Watch Commander may cancel the call at their discretion.

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

Members should treat all members of the public with courtesy, professionalism, and respect. Members will not use harassing, intimidating, derogatory, or prejudiced language, particularly when related to an individual's actual or perceived protected characteristics.

Members will refer to all members of the public, including LGBT individuals, using the names, pronouns, and titles of respect appropriate to the individual's gender identity as expressed or clarified by the individual. Proof of the person's gender identity, such as an identification card, will not be required.

Members will not inquire about intimate details of an individual's sexual practices, anatomy, or gender-related medical history, except as necessary to serve valid, nondiscriminatory law enforcement objectives.

402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

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Except for required data-collection RIMS entries, nothing in this policy shall require any officer to document a voluntary contact or social contact that would not otherwise require reporting.

When conducting stops, officers should introduce themselves to the person being stopped and provide an explanation for the stop as soon as reasonable and practicable.

When reasonable and feasible under attendant circumstances, officers should listen to the member of the public's questions or concerns without interruption and directly address the questions the person may have regarding the stop, including an explanation of options for citation disposition if relevant.

Officers will ensure that a stop is no longer than necessary to take appropriate action for the known or suspected offense(s) and should convey the purpose of any reasonable delays.

Officers conducting a stop and/or pat-search shall be prepared to articulate sufficient reason for the stop and or search, independent of the protected characteristics of the individual.

Officers arresting a person shall be prepared to articulate sufficient reason for the arrest, independent of the protected characteristics of the individual.

402.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report in RIMS. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report in RIMS (11 CCR 999.227).

If multiple agencies are involved in a stop and the Livermore Police Department is the primary agency, the Livermore Police Department officer shall collect the data elements and prepare the stop data report in RIMS (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

402.4.3 NO RETALIATION/DISCIPLINE

No member shall, in any manner, dissuade or impede any person or member from filing a complaint or reporting misconduct, nor shall any member retaliate, threaten, or harass any person or member who has alleged or reported misconduct. Any interference or allegation of retaliatory action by a member shall be immediately reported to the Chief of Police. Interference and/or retaliation are grounds for discipline as are breaches of this policy.

402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should 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 department policy.

Supervisors should also do the following:

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- (a) Provide leadership, counseling, direction, and support to members as needed.
- (b) Lead efforts to engage individuals and groups and ensure that members are working actively to engage the community and increase public trust.
- (c) Review documentation, including video from portable video recording systems (PVRs) and Mobile Digital Computer (MDC) data as appropriate, of investigatory stops, detentions, searches, and arrests for completeness, accuracy, and adherence to law and department policy. Supervisors should document these reviews in an employee field file. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (d) Establish and enforce the expectation that members will police in a manner that is consistent with the U.S. and California Constitutions and federal and state laws, as well as internal policies (See Policy 100, Law Enforcement Authority).
- (e) Discuss any issues with the involved officer and their supervisor in a timely manner. Supervisors should document these discussions in the prescribed manner.
- (f) Initiate investigations of any actual or alleged violations of this policy (See Policy 339, Standards of Conduct).
- (g) Ensure that no retaliatory action is taken against any community member or member of this Department who discloses information concerning profiling and/or bias-based policing.
- (h) Identify training and professional development needs and opportunities.
- (i) Highlight areas where members are engaging appropriately and effectively and use those examples during roll call and other training opportunities.

402.6 ADMINISTRATION

Each year, the Operations Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

- (a) All sworn members and public safety dispatchers of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subjects of bias-based policing, racial and identity profiling, and procedural justice (i.e., principled policing).

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- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved 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)).
- (d) Dispatchers will receive periodic training in identifying biased calls and on operating procedures for how biased calls should be dispatched.

402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Unit 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 Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Unit Policy.

The Support Services Manager shall ensure that all stop data required by the DOJ is reported annually (Government Code § 12525.5).

402.9 ATTACHMENTS

[See attachment: LPD RIPA Procedure.pdf](#)

[See attachment: DOJ Stop Data Collection Form CJIS 2000.pdf](#)

[See attachment: Acceptable Stop Data Narrative Entries.pdf](#)

402.10 POLICY REVIEW

This policy was reviewed by Lieutenant Reynolds

Briefing Training

404.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new Interim Directives or changes in Interim Directives
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects
- (f) Review of PredPol/Crime Analyst Reports

404.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

404.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

404.4 POLICY REVIEW

This Policy was reviewed by Sergeant Briggs 10/12/15

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 PRELIMINARY INVESTIGATIONS

During the stabilization of the scene (outlined in § 406.21), officers should be observant of conditions, event, spontaneous statement and other items of evidentiary nature. Following the stabilization of the scene, officers should make every attempt to locate and interview the reporting party, witnesses and suspects, if appropriate and should collect or arrange for the collection of evidence as appropriate, depending upon the complexity of the investigation, and their expertise.

406.3 POLICY

It is the policy of the Livermore 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.

406.4 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.

406.5 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.

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- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

406.6 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.

406.6.1 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.

406.7 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).

406.8 POLICY REVIEW

This policy was reviewed by Lieutenant Trudeau 10/12/15

Tactical Team

408.1 PURPOSE AND SCOPE

Recognizing that the presence of a highly skilled police tactical unit has been shown to substantially reduce the risk of injury or loss of life to citizens, police officers and suspects; and recognizing that a well managed "team" response to critical incidents usually results in successful resolution of critical incidents, it is the intent of the Livermore and Pleasanton Police Department's combined Tactical Team, also known as the East County Tactical Team, to provide a highly trained and skilled tactical team as a resource for the Livermore and Pleasanton Police Departments in the handling of critical incidents. The East County Tactical Team is comprised of three specialized teams: the Special Weapons and Tactics Team (SWAT), Sniper Team, and the Crisis Negotiation Team (CNT).

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Tactical Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

408.1.2 TACTICAL TEAM DEFINED

A Tactical team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

408.2 POLICY

It shall be the policy of this department to maintain a Tactical Team and to provide the equipment, manpower, and training necessary to maintain a Tactical Team. The Tactical Team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to

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a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

408.2.1 POLICY CONSIDERATIONS

Annually, a needs assessment should be conducted to determine the type and extent of Tactical Team missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

408.2.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

408.2.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to Tactical Team members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during tactical operations (time permitting).
 1. All SWAT and Sniper team members should have an understanding of operational planning.
 2. SWAT and Sniper team training should consider planning for both spontaneous and planned events.
 3. SWAT and Sniper teams should incorporate medical emergency contingency planning as part of the tactical operational plan.

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- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of the Tactical Team.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
 - 1. Documentation of the incident.
 - 2. Transition to investigations and/or other units.
 - 3. Debriefing after every deployment of the Tactical Team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
 - (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
 - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
 - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of equipment deployed.

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408.3 TRAINING NEEDS ASSESSMENT

The Tactical Commander shall conduct an annual Tactical Team training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

408.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

408.3.2 UPDATED TRAINING

Appropriate team training for the specialized Tactical Team functions and other supporting resources should be completed prior to full deployment of the team.

SWAT and Sniper team operators and SWAT and Sniper supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

408.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the Tactical Team function at the organizational level to ensure personnel who provide active oversight at the scene of Tactical operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

408.3.4 TACTICAL TEAM ONGOING TRAINING

Training shall be coordinated by the Tactical Commander. The Tactical Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT and Sniper member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT or Sniper team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are unable to meet the minimum standards due to injury, will be afforded a reasonable amount of time to rehabilitate, but no more than 120 days. Failure to meet the minimal standard may result in dismissal from the team.

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- (d) Twice per year, each SWAT and Sniper team member shall perform the mandatory qualification course with their primary and secondary weapons. The qualification courses are described in the East County Tactical Team SWAT Manual. Team members that fail to qualify at the minimally acceptable standard will be allowed to remediate, however, the team member must attain a passing score on two consecutive efforts through the same course of fire before it will be judged a qualification. If a team member consistently demonstrates a deficiency during qualifications, a range master approved by the Tactical Commander, will arrange individual instruction in an attempt to improve the member's performance. During this time the team member will be placed on an inactive status until the team member has demonstrated his/her shooting meets the standard. Members may be dismissed from the East County Tactical Team for continued shooting deficiencies and failure to respond to firearms training.

408.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

408.3.6 SCENARIO BASED TRAINING

Tactical teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the SWAT Commander.

408.4 UNIFORMS, EQUIPMENT, AND FIREARMS

408.4.1 UNIFORMS

Tactical teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.4.2 EQUIPMENT

Tactical teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

408.4.3 FIREARMS

Weapons and equipment used by the Tactical Team should be agency-issued or approved, including any modifications, additions, or attachments.

408.4.4 OPERATIONAL READINESS INSPECTIONS

The Tactical Commander shall appoint a Tactical Team supervisor to perform operational readiness inspections of all unit equipment at least Annually. The result of the inspection will be forwarded to the Tactical Commander in writing. The inspection will include personal equipment

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issued to members of the unit, operational equipment maintained in the Tactical Team facility and equipment maintained or used in Tactical Team vehicles.

408.5 MANAGEMENT/SUPERVISION OF THE TACTICAL TEAM

The SWAT Commander of the Tactical Team shall be selected by the Chiefs of Police upon recommendation of staff.

408.5.1 PRIMARY UNIT MANAGER

Under the direction of the Chiefs of Police, through the Captains assigned as advisors, the Tactical Team shall be managed by a Lieutenant (SWAT Commander).

Under the direction of the SWAT Commander, a Tactical Commander will be assigned as the direct line supervisor for all personnel assigned to the East County Tactical Team. The Tactical Commander shall be a Lieutenant or Sergeant.

408.5.2 TEAM SUPERVISORS

The CNT Team, Sniper Team, and Special Weapons and Tactics Team will be supervised by a Sergeant or Officer designated by the SWAT Commander.

The team supervisors shall be selected by the Chiefs of Police upon specific recommendation by staff and the SWAT Commander.

The following represent the supervisor responsibilities for the Tactical Unit.

- (a) The CNT Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the Tactical Commander.
- (b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the Tactical Commander.
- (c) The Sniper Team Supervisor's primary responsibility is to supervise the operations of the Sniper Team, which will include deployment, training, first line participation, and other duties as directed by the Tactical Commander.

408.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

408.6.1 SELECTION OF PERSONNEL

CNT Minimum Qualifications:

- (a) Submit a memo of interest describing applicants qualifications.

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- (b) Applicant must be a sworn peace officer with minimum two (2) years law enforcement experience and off probation at the time of application.
- (c) Applicant must successfully complete an oral board interview.
- (d) Applicant has demonstrated a good attendance record with no indications of abuse.
- (e) Applicant has minimally maintained a "Meets Expectations" or "Competent" performance rating for the prior two (2) years.
- (f) Applicants has demonstrated history of working within a team environment.

The oral board shall submit a list of successful applicants to staff for final selection CNT Tactical Dispatcher Minimum Qualifications:

- (a) Submit a memo of interest describing applicants qualifications.
- (b) Applicant must have three (3) years experience as a police dispatcher and be off of probations at the time of application.
- (c) Applicant has demonstrated a good attendance record with no indications of abuse.
- (d) Applicant has minimally maintained a "Meets Expectations" or "Competent" performance rating for the prior two (2) years.
- (e) Applicant has demonstrated the ability to work within a team environment.
- (f) Candidate is willing to accept schedule changes to accomodate CNT training.
- (g) Applicant must successfully complete an oral board interview.

408.6.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per month will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

408.7 SWAT AND SNIPER TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team and Sniper Teams were established to provide a skilled and trained teams which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as

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well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

408.7.1 SELECTION OF PERSONNEL

SWAT and Sniper Team minimum qualifications:

- (a) Submit interest memo describing the applicants qualifications.
- (b) Two (2) years of patrol experience and off probation.
- (c) Ability to pass the physical fitness standard as described in the SWAT manual.
- (d) Ability to pass the shooting standard as described in the SWAT manual.
- (e) Ability to successfully complete the oral board interview.
- (f) Applicant has demonstrated a good attendance record with no indications of abuse.
- (g) Applicant has minimally maintained "Meets Expectations" or "Competent" performance ratings for the prior two (2) years.

408.8 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Tactical Team. Generally, the Special Weapons and Tactics Team, Sniper Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SWAT and/or Tactical Commander.

408.8.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular unplanned event/emergency will assess whether the Tactical Team is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the Tactical Commander.

408.8.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Tactical Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Arrests of dangerous persons.
- (d) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

408.8.3 OUTSIDE AGENCY REQUESTS AND PLANNED EVENTS

Deployment of the East County Tactical Team in response to requests by other agencies and planned events must be authorized by Captains assigned as Team Advisors.

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408.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The Tactical team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional Tactical operations will regularly be conducted; Tactical multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the East County Tactical Team shall operate under the policies, procedures and command of the East County Tactical Team SWAT Manual and standard operating procedures when working in a multi-agency situation.

408.8.5 MOBILIZATION OF THE TACTICAL TEAM

The On-Scene supervisor shall make a request to the Watch Commander for the Tactical Team. The Watch Commander shall then notify the SWAT Commander or his/her designee. If unavailable, a team supervisor shall be notified. The Watch Commander will then notify the Operations Division Commander as soon as practical.

The Watch Commander should advise the SWAT Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SWAT Commander or Tactical Team supervisor shall then call selected officers to respond.

408.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Tactical Team, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.

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2. Taking action to mitigate a deadly threat or behavior.
 - (d) Evacuate any injured persons or citizens in the zone of danger.
 - (e) Attempt to establish preliminary communication with the suspect. Once the Tactical Commander or SWAT Team Leader has arrived, all negotiations should generally be halted to allow the negotiators, Snipers, and SWAT time to set up.
 - (f) Be prepared to brief the Tactical Commander and/or SWAT Team Leader on the situation.
 - (g) Plan for, and stage, anticipated resources.

408.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Tactical Team at the scene, the Incident Commander shall brief the Tactical Commander and team supervisors about the situation. Upon review, it will be the SWAT Commander or Tactical Commander who decides whether to deploy the Tactical Team. Once the SWAT Commander or Tactical Commander authorizes deployment, the Tactical Commander will be responsible for the tactical portion of the operation. The SWAT Commander or his/her designee shall assume supervision of the command post operation, outer perimeter security, and support for the Tactical Team.

408.8.8 COMMUNICATION WITH TACTICAL TEAM PERSONNEL

All of those persons who are non-Tactical Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Tactical Team personnel directly. All non-emergency communications shall be channeled through the Tactical Commander or his or her designee.

408.9 POLICY REVIEW

This Policy was reviewed by Captain Young on 03/07/17.

Ride-Along Policy

409.1 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.

409.1.1 ELIGIBILITY

The Livermore Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department or the City of Livermore
- Denial by any supervisor

409.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.

409.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by a department designated Clerk. 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 Clerk will schedule a date, based on availability, within 30 days 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 notify the applicant of the denial.

409.2.1 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.

409.2.2 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.

409.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

409.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Livermore Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.D.3.)

409.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the officer.

409.4 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

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- (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

409.5 POLICY REVIEW

This policy was reviewed by Lieutenant Draghi 11/23/15

Hazardous Material Response

411.1 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.

411.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

411.1.2 INCIDENT COMMAND RESPONSIBILITY

The Livermore Police Department has delegated incident and scene command to the Fire Chief of the Livermore Pleasanton Fire Department in all hazardous material spills and incidents within the city limits of Livermore.

411.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

411.3 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

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employee in an employee memorandum that shall be forwarded via chain of command to the 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.

411.3.1 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.

411.4 POLICY REVIEW

This policy was reviewed by Officer Boyes 11/23/15

Hostage and Barricade Incidents

413.1 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.

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.

413.1.1 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.

Public Duty Doctrine - As a general rule, law enforcement officers do not have an affirmative duty to provide police protection to individual members of the public, but rather have a general duty to the public at large. An exception may occur when an officer triggers a special relationship with a member(s) of the public.

Special Relationships - A special relationship begins under the following circumstances:

1. Where the officer makes a representation (expressed or implied) that is detrimentally relied upon and causes foreseeable harm, or
2. Where the officer engages in an affirmative act that increases the foreseeable risk of harm to the individual.

413.2 POLICY

It is the policy of the Livermore 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.

The Livermore Police Department recognizes and understands not all suicidal subjects are considered barricaded or require a Tactical Team and/or Negotiator response or immediate police

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action. There is a distinction between an armed barricaded suspect wanted for a crime, and barricaded subject who has not committed a crime but only expressed the desire to commit suicide. It is not a criminal act to express the desire or even attempt to commit suicide, and suicidal or mentally ill persons are afforded the same level of legal protection as everyone else.

413.3 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 dealing with involved family members, officers should avoid making any promises to family members or loved ones that would suggest a special relationship has been created. Officers should attempt to establish the concerned parties' expectations of on-scene law enforcement personnel.

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.

413.3.1 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, 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.

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413.4 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.

413.4.1 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.
- (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 Chief of Police (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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- (k) Establish a command post.

413.4.2 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.
- (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.

413.5 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

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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.
- (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 Chief of Police 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.

413.6 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.

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The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

413.6.1 OPTIONS TO STRATEGICALLY DISENGAGE FROM BARRICADED SUBJECTS

The actions of first responders will be weighed against the information known, governmental interest, subject's actions, and efforts to deescalate the situation. First responders may choose to strategically disengage to avoid resorting to force when it is determined the primary concern is self-harm, and he/she has not committed a serious or violent crime. The decision to disengage should be in consideration of the totality of the circumstances, including supervisory approval.

413.7 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.

413.8 POLICY REVIEW

This policy was reviewed by Captain Boberg.

Response to Bomb Calls

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Livermore 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.

415.1.1 ORGANIZATION AND OPERATION

The response to a bomb or explosive device can by its magnitude and danger be considered a "Critical Incident". If the response, evacuation or management of the call is significant it should be organized and operated in accordance with the "Comprehensive Emergency Operations Plan" utilizing the structure of the Incident Command System (ICS). Information on the response to bomb calls can also be found in the Critical Incident Response Guide (CIRG). See § 206 of this manual.

415.2 POLICY

It is the policy of the Livermore Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

415.3 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 if appropriate, the threatened location is notified.

415.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

415.4.1 LIVERMORE POLICE DEPARTMENT FACILITY

If the bomb threat is against the Livermore 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.

415.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Livermore Police Department that is not the property of this department, the appropriate agency will be

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promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

415.4.3 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.

415.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Livermore, 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.

415.5.1 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.

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Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 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.

415.6 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 the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.

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- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Contact the Fire Department and have them stage in a safe zone.
- (j) Promptly relay available information to the Watch Commander including:
 - 1. The time of discovery.
 - 2. The exact location of the device.
 - 3. A full description of the device (e.g., size, shape, markings, construction).
 - 4. The anticipated danger zone and perimeter.
 - 5. The areas to be evacuated or cleared.

415.7 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.

415.7.1 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.

415.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor

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- 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

415.7.3 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.

415.7.4 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.

415.8 POLICY REVIEW

This policy was reviewed by Lieutenant Draghi 11/23/15

Mental Illness Commitments

417.1 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).

417.2 POLICY

It is the policy of the Livermore Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

417.3 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

417.3.1 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 or assist in the transport of 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.

417.3.2 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints

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are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

417.3.3 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report.

417.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

417.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (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.

417.4.1 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).

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417.5 TRANSPORTATION

Medical transport shall be used to transport a 5150 commitment to a facility. If an officer, due to unforeseen circumstances, needs to transport 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, after receiving Watch Commander approval, may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

417.6 TRANSFER TO APPROPRIATE FACILITY

In those circumstances in which an officer transports a 5150 commitment, 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 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 restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

417.7 PSD/RECORDS RESPONSIBILITY

When the treating facility makes notification of the date and time of the release, the PSD will open the original incident number and make the appropriate notations including the name of the treatment facility. The PSD will electronically notify Records for processing. It is critical that this printout take place to assure that this information is captured in RMS.

417.8 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.

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417.8.1 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).

417.9 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, a Notice to Appear as appropriate, or submitting a crime report to the DA's Office for charging.

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.
- (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.

417.10 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

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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).

417.10.1 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 Records Division. The Records Division shall be responsible for completing the request for hearing form and forwarding the completed request for hearing form to the City Attorney, who will initiate a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

[See attachment: 8102 Memo and Checklist.pdf](#)

417.11 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.

417.12 POLICY REVIEW

This policy was reviewed by Captain Sarsfield on 11/18/18.

Cite and Release Policy

419.1 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.

419.2 POLICY

It is the policy of the Livermore 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.

419.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

419.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

419.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should be booked at the jail. The decision to cite and release after booking, will be the discretion of the local jail facility.

419.4 NON-RELEASE

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419.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

419.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted in the police report. The report shall be submitted to the Watch Commander for approval and included with the case file in the Records Unit.

419.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.

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- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

419.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Livermore City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigative Bureau for further action including diversion.

419.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

419.8 POLICY REVIEW

[This policy was reviewed by Captain Boberg.](#)

Foreign Diplomatic and Consular Representatives

421.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Livermore Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

421.2 POLICY

The Livermore 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.

421.3 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.

421.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers
 - 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have 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.

421.5 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.

421.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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- (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.

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
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421.7 POLICY REVIEW

This policy was reviewed by Sergeant Boberg on 12/07/15

Rapid Response and Deployment

423.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

423.2 POLICY

The Livermore Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

423.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

423.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

423.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

423.5 PLANNING

The Operations Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.

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- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

423.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - (a) This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

423.7 POLICY REVIEW

[This policy was reviewed by Captain Boberg.](#)

Immigration Violations

427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Livermore Police Department relating to immigration and interacting with federal immigration officials.

427.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

427.2 POLICY

The immigration status of individuals, absent other criminal behavior, is not a matter for local police action. It is the policy of the Livermore Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

427.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

427.4 IMMIGRATION INQUIRIES PROHIBITED

The Livermore Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not arbitrary aspects. Race ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

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All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members shall not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

427.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or California Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

If exigent circumstances exist or there is an investigative necessity, factors that should be considered in determining reasonable suspicion that a criminal immigration violation has occurred include, but are not limited to:

- (a) An admission that the person entered the United States illegally.
- (b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States
- (c) Other factors based upon training and experience.

427.4.2 IMMIGRATION CHECKS

When it reasonably appears relevant to determine immigration status, such status may be determined through any of the following sources:

- (a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer).
- (b) Immigration and Customs Enforcement (ICE)
- (c) U.S. Customs and Border Protection (CBP)

An officer shall verify from a 287 (g) certified officer, ICE or CBP whether a person's presence in the United States relates to a federal civil violation or a criminal violation.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may, with supervisory approval, continue the detention and may request ICE or CBP to respond to the location to take custody of

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the detained person. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

427.4.3 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has committed a criminal immigration offense, the supervisor should:

- (a) Confirm that the detained person's immigration status was properly verified.
- (b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:
 1. Transfer to federal authorities.
 2. Lawful arrest for a criminal offense or warrant.

427.4.4 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

427.4.5 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

427.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to

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prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer shall notify a supervisor prior to arresting an individual for violation of 8 USC § 1326(a).

427.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

427.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

427.7 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Support Division Captain assigned to oversee the handling of any related case. The Support Division Captain should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 - 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

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- (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.

427.7.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

427.7.2 REPORTING TO LEGISLATURE

The Support Division Captain or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

427.7.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

427.8 TRAINING

The Support Division Captain and the Training Sergeant should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

427.9 POLICY REVIEW

This policy was reviewed by Captain Boberg

Emergency Utility Service

429.1 PURPOSE AND SCOPE

The City Public Services Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this Department should be handled in the following manner.

429.1.1 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 Services Department 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 a police dispatcher.

429.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. PG&E should be promptly notified.

429.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

City Public Works maintains the city 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.

429.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center. All call outs of emergency personnel for municipal utility emergencies shall be approved by the on-duty supervisor.

429.2 TRAFFIC SIGNAL MAINTENANCE

The Public Services Facilities Section provides maintenance for all traffic signals within the city, other than those maintained by the State of California.

429.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the City Public Works or Caltrans.

429.3 POLICY REVIEW

This policy was reviewed by Public Safety Dispatch Supervisor M. Robbins 11/23/15

Aircraft Accidents

432.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

432.1.1 ORGANIZATION AND OPERATION

The response to an Aircraft Accident can by its magnitude and danger be considered a "Critical Incident". If the response, evacuation, aid to injured or management of the call is significant it should be organized and operated in accordance with the "All Hazard Plan" utilizing the structure of the Incident Command System (ICS). Information in regard to the response to aircraft accidents can also be found in the Critical Incident Response Guide (CIRG). See §206 of this manual.

432.1.2 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

432.2 POLICY

It is the policy of the Livermore Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

432.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

432.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

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Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

432.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

432.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

432.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

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Aircraft Accidents

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

432.8 DOCUMENTATION

All aircraft accidents occurring within the City of Livermore shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of LPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

432.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

432.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

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Aircraft Accidents

432.9 MEDIA RELATIONS

The Press Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

432.10 POLICY REVIEW

This policy was reviewed by Captain Young 04/24/17.

Field Training Officer Program

434.1 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 Livermore 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.

434.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

434.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of four years of patrol experience, two of which should be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate
- (g) Meet or exceed standards in all rating categories on annual performance evaluations for the previous two full years prior to appointment
- (h) The chief of Police or his/her designee may waive minimum patrol experience requirement based on organizational needs.

434.2.2 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.

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Field Training Officer Program

434.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the 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 FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

434.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Livermore Police Department who has successfully completed a POST approved Basic Academy.

434.5 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. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

434.5.1 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 Livermore 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 Livermore Police Department.

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Field Training Officer Program

434.5.2 ROTATION OF ASSIGNMENT DURING TRAINING

During the training program the trainee should be exposed to many facets of the department and to several styles of training. At minimum, a trainee will spend some training time in dispatch, investigations, traffic and records. The entry level trainee should spend time with at least three different FTOs and the lateral trainee with at least two FTOs.

434.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

434.6.1 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 Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed 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.

434.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall complete a weekly performance evaluation for each trainee. Upon completion of the Field Training Program, the probationary officer shall receive monthly performance evaluations from their immediate supervisor. The immediate supervisor will place a copy of that monthly evaluation into the officers' field file and forward a copy to the Field Training Lieutenant

434.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Lieutenant will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

434.6.4 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.

434.7 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) 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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Field Training Officer Program

434.8 POLICY REVIEW

[This policy was reviewed by Lieutenant J. Reynolds](#)

Obtaining Air Support

436.1 PURPOSE AND SCOPE

The use of a police aircraft can be invaluable in certain situations. This policy specifies potential situations where the use of an aircraft may be requested and the responsibilities for making a request.

436.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of an aircraft would be beneficial, a request to obtain aircraft assistance may be made.

436.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for an aircraft, the Watch Commander, or his/her designee, will call the closest agency having aircraft support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

436.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police aircrafts may be requested under any of the following conditions:

- (a) When the aircraft is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircrafts may reduce such hazard
- (c) When the use of the aircrafts will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When an aircraft 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 aircraft support will generally provide valuable assistance to ground personnel, the presence of an aircraft will rarely replace the need for officers on the ground.

436.3 POLICY REVIEW

This policy was reviewed by Sergeant Mayberry 11/16/15

Detentions And Photographing Detainees

438.1 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.

438.2 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.

Section Revised: May 1, 2010

438.2.1 CONSENSUAL ENCOUNTER/CONTACT

A consensual encounter is a contact between an officer and an individual which is strictly voluntary and where the person remains free to leave or not cooperate. If the encounter remains voluntary, and the officer deems necessary, a Field Interview Card may be completed.

Section Added: May 1, 2010

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438.3 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.
- (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.

438.3.1 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 Livermore Police Department to strengthen our community involvement, community awareness and problem identification.

Section Revised: May 1, 2010

438.3.2 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

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of identification, officers should attempt to identify the witness prior to his/her departure.

- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

Section Added: August 15, 2010

438.3.3 FIELD INTERVIEW-CONSENSUAL ENCOUNTER

Nothing in this section precludes an officer from completing a field interview card during a *Consensual Encounter*.

Section Added: May 1, 2010

438.4 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.

438.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

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All photographs shall be retained and stored as described in Intelligence Policy #401 of this manual, and the Livermore Police Department Property and Evidence Manual located in the Policy Manual folder on the Livermore Police Department share drive.

Section Revised: May 1, 2010

438.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

438.5.2 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.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

Section Revised: May 1, 2010

438.6 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.

438.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Watch Commander will forward the photo and documents to the Gang Supervisor. The Gang Supervisor will ensure the photograph and supporting documents are retained as prescribed by Policy § 442.

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- (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 Unit . These photographs will be purged as described in Policy § 440.7.1.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Unit in a separate non-booking photograph file in alphabetical order.

Section Revised: May 1, 2010

438.7.1 PURGING THE FIELD PHOTO FILE

The Records Supervisor will be responsible for ensuring that photographs maintained by the Records Unit 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 Livermore Police Department and the booking file remains in the Records Unit .

Section Revised: May 1, 2010

438.7.2 ELECTRONIC SUBMISSION OF PHOTOGRAPHS

Where the photo is collected in a digital format, the photo will be submitted electronically into the Livermore Police Department Digital Image Management System (DIMS). The department member submitting the photo will add any notes or case numbers associated with the photo as necessary. The photo will be maintained within DIMS and managed by the Evidence Unit.

Section Added: May 1, 2010

438.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

Section Revised: May 1, 2010

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438.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or his/her designee to discuss the matter.

After carefully considering the information available, the Chief of Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Livermore Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Livermore Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F/I was not obtained in accordance with established law or Livermore Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or his/her designee determines that any involved Livermore Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

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The person photographed/FI'd will be informed in writing within 30 days of the Chief of Police's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

Criminal Organizations

440.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Livermore Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

440.1.1 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.

440.2 POLICY

The Livermore 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.

440.3 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.

440.3.1 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 Unit. Any supporting documentation for an entry shall be retained by the Records Unit in accordance with

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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 Unit are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

440.3.2 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 Unit after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Unit supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

440.3.3 REPORT TO THE CALIFORNIA DEPARTMENT OF JUSTICE

The Criminal 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.

440.4 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.

440.4.1 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 Unit or Property and Evidence Section, 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.

440.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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440.5 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 Sergeant to train members to identify information that may be particularly relevant for inclusion.

440.6 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.

440.7 CRIMINAL STREET GANGS

The Investigative Bureau 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.
 - 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.

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- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

440.8 TRAINING

The Training Sergeant and CIB or SOU Supervisor 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.

440.9 POLICY REVIEW

This policy was reviewed by Captain Young on 01/30/18.

Watch Commanders

442.1 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.

442.2 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.

442.3 POLICY REVIEW

This policy was reviewed by Lieutenant Draghi on 10/29/15

Mobile Digital Computer Use

446.1 PURPOSE AND SCOPE

The Mobile Digital Computer (MDC) accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

446.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Watch Commander.

Section Revised: March 1, 2012

446.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

Section Revised: September 1, 2011

446.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact;
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher;
- (c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC.

446.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) shall be transmitted verbally over the police radio.

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446.3 MDC CONSIDERATIONS

446.3.1 NON-FUNCTIONING MDC

Whenever possible, officers will not use units with malfunctioning MDC's. Whenever officers must drive a unit in which the MDC is not working, they shall notify the Communications Center. It shall be responsibility of the Communications Center to record all information that will then be transmitted verbally over the police radio.

446.3.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDC's. Operating the MDC may cause some devices to detonate.

Portable Audio/Video Recorders

448.1 PURPOSE AND SCOPE

A. To provide policy and procedures for the use of the Portable Video Recording System (PVRS), including both video and all accompanying audio recordings of field activity in the course of official police duties.

B. To assist law enforcement personnel in the performance of their duties by seeking to obtain documentary evidence for criminal investigations, civil litigation, and administrative matters. Personnel shall utilize this device in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

C. PVRS data is a tool that can provide an objective record of events; however, it is understood that PVRS data may not necessarily reflect the entire experience or state of mind of the individual employee(s) in a given incident. In some circumstances, the PVRS could capture information that may not have been heard or observed by the involved employee(s). Similarly, there could be situations where the PVRS will not capture information that was heard and/or observed by the involved employee(s).

448.2 POLICY

A. Unauthorized use, duplication, and/or distribution of PVRS files are prohibited. Personnel shall not make copies of any PVRS files for their personal use, or for any other use not authorized by the Livermore Police Department ("Department"). Personnel are also prohibited from using a recording device such as a personal camera or any secondary video camera, or any other device to record PVRS files. All recorded media, images and audio are property of the Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.

B. The PVRS shall not be used to record non-business related activity and shall not be activated inside the Livermore Police Department, except under specific conditions listed under this policy that would warrant activation.

C. Only trained personnel shall operate PVRS equipment.

D. All personnel assigned a PVRS camera shall wear the device when working any uniformed Patrol assignment and/or when the Chief of Police or his designee deem it appropriate to wear. This includes Criminal Investigation Bureau personnel who are preparing to engage in a probation, parole, arrest or search warrant entry. Personnel will use only the PVRS issued and approved by the Department. The wearing of any other personal video or audio recording device is not authorized.

E. Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the PVRS. Personnel shall immediately report any problems with the PVRS to their immediate supervisor.

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F. There are many situations where the use of the PVRS is appropriate. This policy is not intended to describe every possible circumstance. Personnel may activate the system any time they feel its use would be appropriate and/or valuable to document an incident. Unless it is not safe or impractical to do so, personnel shall activate their PVRS cameras prior to making contact in any of the following incidents:

1. Upon acknowledgement of a dispatched call for service.
2. All self-initiated encounters where there is a reasonable suspicion the person is involved in criminal activity.
3. Traffic and pedestrian stops.
4. Probation or parole search.
5. Service of search or arrest warrant.
6. Vehicle pursuits (as soon as practical).
7. K9 deployments, (e.g., cover officers, perimeter officers, etc.)
8. During the transportation of any member of the public with the exception of a ride-a-long.
9. Any other situation in which initial contact does not warrant activation of the PVRS, but subsequent interactions become adversarial, activation is deemed appropriate.

G. Upon activating PVRS for one of the above incidents, personnel shall not terminate recording until the incident is secure and no further communication with the parties involved is reasonably anticipated.

H. Personnel may activate the PVRS before or during any other incident at their discretion.

I. Personnel shall not activate the PVRS to record any personal conversation of/or between another department member(s), volunteer(s) and/or employee(s) without the individuals knowledge and express consent to record the conversation.

J. If PVRS is activated or is going to be activated while interviewing a crime victim, personnel should notify the victim of this fact prior to obtaining a statement, whenever practical. If a crime victim refuses to provide a recorded statement, personnel should deactivate PVRS, obtain the statement and document this fact along with a summary of the statement in the police report.

K. Personnel shall have the discretion to turn the PVRS off during conversations with members of the community, including but not limited to confidential informants, who wish to discuss criminal activity in their neighborhood but are hesitant to come forward if they will be recorded. Officers shall verbalize while the camera is in the Event (recording) mode the specific reason the PVRS was turned off.

L. Sworn personnel are not required to obtain consent from a private person when:

1. In a public place.

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2. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where personnel are lawfully present and engaged in the performance of official duties).

M. Sworn personnel are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and will not interfere with the investigation or officer safety.

N. SWAT personnel who are issued a PVRs and are engaged in an active SWAT operation, shall wear and activate the PVRs during pre-planned operations or enforcement encounters.

O. Personnel who do not record an activity that is required by this policy shall articulate their reason for failing to record in the appropriate CAD entry or police report.

448.3 RESPONSIBILITIES

A. LPD Information Technology Personnel:

1. Operation and user administration of the system.
2. Resolving equipment malfunction and/or reporting any deficiencies to TASER International for repair.
3. System evaluation

B. LPD Facilities and Equipment Manager:

1. Issuing and tracking of PVRs Equipment to personnel.
2. Coordination with IT regarding system/equipment related issues.
3. System Evaluation.

C. LPD Custodian of Records:

1. Ensure PVRs files are retained, reviewed and released in accordance with federal, state and local statutes and the City of Livermore/Livermore Police Department retention policy.
2. Audio/video recordings obtained by the PVRs that constitute evidence are not subject to disclosure pursuant to a Public Records Act Request.

D. Property & Evidence Personnel:

1. Produce and distribute copies of PVRs files upon request when pursuant to the provisions of this policy.

E. Program Manager. The Police Lieutenant designated by the Chief of Police to have overall management responsibility of the PVRs system to include:

1. Training
2. System Evaluation
3. Policy review

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4. Coordinating with IT, Operations, Facilities and Equipment, Custodian of Records, and all other personnel regarding system/equipment related issues.

F. Supervisors

1. Upon notification of any problems with the PVRs, supervisors shall notify IT personnel and the Program Manager or designee, stating the problem or malfunction. If the Program Manager or designee is not available, the supervisor shall notify the on-duty Watch Commander.
2. Supervisors shall not randomly view PVRs data without cause.
3. Supervisors may conduct periodic audits of PVRs data to verify adherence to policy. Accordingly, it would be appropriate for first time minor infractions discovered by supervisors during routine review of PVRs data to be addressed as training opportunities. Should the behavior or action continue after training by a supervisor, the appropriate disciplinary or corrective action should be pursued.
4. Supervisors may also review PVRs data for purposes such as following up on citizen complaints, reviewing use of force situations, critical incidents, or other criminal/administrative investigations. During such reviews supervisors may identify videos which are appropriate for training purposes.

G. Personnel utilizing the PVRs are responsible for the following:

1. Ensuring the battery is fully charged and operating properly.
2. Immediately reporting unresolved equipment malfunctions/problems to their supervisor.
3. Correctly securing the camera to the head or shoulder area to reasonably ensure recording the field of view.
4. Documenting the use of the PVRs on one of the following:
 - a. On the police report/CAD entry.
 - b. As a notation on a citation.
 - c. On a field interview card.
5. Docking their assigned PVRs camera for automated upload of data files at the end of their shift.

448.4 OPERATION

A. The PVRs (AXON body camera) has two operating modes:

1. **BUFFERING** - When the camera is switched to the ON position, the AXON system is in the buffering mode. When buffering begins:
 - a. The Operation LED on the controller will blink green.
 - b. The camera will be capturing video but no audio, and will not record to permanent memory while in buffering mode.

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- c. Buffered video duration is up to 30 seconds. This feature is intended to capture the video of an incident just before your activation of event mode.
 2. EVENT - When personnel want to record an incident they need to double-press the event button on the camera.
 - a. The system will then record audio as well as video. The “buffered” video directly preceding the event will be saved and attached to the event recording. (The buffered video will not contain audio.)
 - b. The camera provides personnel with indications that it is recording in EVENT mode by beeping twice at the start of an event and every 2 minutes during an event. In addition the Operation LED on top of the controller will blink red.
- B. While on duty, personnel are required to keep the PVRS in the ON position and in buffering mode except for the following circumstances:
 1. When out of service during an authorized break.
 2. When inside police headquarters.
 3. While using the restroom.
- C. When personnel (primary or cover officers, or any personnel who capture PVRS data for a specific incident) capture PVRS data that is related to an incident or case they shall:
 1. Identify the PVRS files in the database by:
 - a. Noting the Livermore Police Department case number, or if none, the LPD incident number in the Case ID Field. The case number shall be recorded with the year and the case number. The CAD incident number shall be recorded with the entire number.
 - b. Entering a title. The title should include sufficient information to identify the file, such as crime code, suspect name, location, event, etc.
 - c. Selecting the appropriate category(s) in the drop down menu. (If there is evidence on the video, this step is especially crucial to maintain the video in the database for the appropriate retention period.)
 - d. The information may be entered via department issued smart phone, MDC, or LPD computer workstation.
 2. Document in the related police report the fact that potential PVRS evidence exists and was downloaded into the Evidence.com database.
 3. PVRS data placed into Evidence.com shall be retained through the final disposition of the related criminal case.
 4. In certain criminal or administrative investigations, a copy of the PVRS data may be made by the assigned investigator and/or Property & Evidence personnel and booked into evidence.

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448.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should ensure the video is downloaded into Evidence.com as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident.(Penal Code § 832.18).

448.5 NON-CRIMINAL MATTER

Whenever personnel operating PVRS reasonably believe that a recorded contact may be of benefit in a non-criminal matter (e.g., a hostile contact), the officer shall upload the file into Evidence.com.

A. Under such circumstances, the officer shall notify a supervisor of the existence of the recording as soon as practical.

448.6 REVIEW OF RECORDED VIDEO FILES

A. Although the data captured by the PVRS is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the Evidence.com system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Employees may only review video according to the provisions of this policy.

B. For purposes of checks and balances and to ensure supervisory reviews are conducted fairly, the POA President or his/her designee may review an individual employee's PVRS audit trail upon request and approval of the Chief of Police.

C. Personnel may view the audio/video data captured on their assigned PVRS camera in the field via a mobile device or MDC under the following circumstances. (Audio/video data can only be viewed and cannot be edited or erased from PVRS via mobile devices or MDC.)

1. For the purpose of completing a criminal investigation and preparing official reports.

D. Once the audio/video data is uploaded to Evidence.com, personnel may view their own data at a department desktop computer under the following circumstances after documenting the reason for access in the "Notes" section: (Access is automatically time/date stamped and records each access by name)

1. For the purpose of completing a criminal investigation and preparing official reports.

2. Prior to courtroom testimony or for courtroom presentation.

3. Prior to being interviewed in an administration investigation (i.e., internal affairs investigations) with the approval of the Professional Standards Supervisor and in accordance with this policy.

4. For training purposes, with the authorization of a supervisor, or by an FTO when providing training to a Police Trainee.

5. Personnel may not view other personnel's PVRS data which is not part of an incident they are investigating, without the approval of the Chief of Police or designee.

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E. In the event of a critical incident, such as an officer involved shooting or other lethal use of force, PVRs data shall be uploaded to Evidence.com as soon as practical. Depending on the circumstances and/or exigency, it may be necessary for personnel other than the involved officer to upload the PVRs data. This will be determined by the supervising officer onscene.

1. Personnel actively assigned to investigate the incident (such as the case detective) may, with supervisory authorization, review the involved personnel's PVRs data as part of the ongoing investigation.
2. During the investigation, the initial interview of an involved officer should occur before the officer has reviewed any audio/video recordings of the incident. An involved officer will have the opportunity to review recordings in private (or with legal counsel if so requested) after the initial statement has been taken and provide a follow-up statement if needed.
3. Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by an involved officer. If the Investigator shows any audio/video recordings to an involved officer after the initial interview, the Investigator should advise the involved officer about the scope of audio/video recordings.
4. The following is an example of an appropriate advisement in a case involving video evidence:

“In this case, there is video evidence that you will have an opportunity to view after you have given your initial statement. Video evidence has limitations and may depict the event differently than you recall, and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The frame rate of video may limit the camera's ability to capture movements normally seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye.”

448.6.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

448.7 PVRs FILE REQUESTS

A. Requests for copies of PVRs files from the District Attorney's Office or City Attorney's Office shall be in writing via memo or e-mail with sufficient information to locate the PVRs file. Personnel shall forward the request to Property & Evidence for copying and distribution of the PVRs data. A second copy should also be made and booked into evidence.

B. Non-Department requests:

1. All other requests for a PVRs file (court cases, subpoena's, public records act, etc.) shall be accepted and processed by the Department Custodian of Records in accordance with

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federal, state and local statutes and departmental policy as set forth in Department Policy #810 (Release of Records and Information).

2. Media inquiries and/or requests shall be received and processed in accordance with Department Policy #346 (News Media Relations). As previously stated, PVRs data will generally constitute evidence and will not be subject to disclosure pursuant to a Public Records Act Request.

3. If the department determines that PVRs data should be released, the department will make all reasonable efforts to notify involved personnel prior to its release.

C. Request for Deletion of Accidental Recording

1. In the event of an accidental activation of the PVRs, the recording employee may request that the PVRs file be deleted by submitting an e-mail request with sufficient information to locate the PVRs file to the Division Commander who shall review the file, approve or deny the request, and forward the request to the Program Manager for action. In the event that an accidentally recorded video features an employee in a setting, such as a restroom or dressing room, and the employee expresses a concern that the video could contain nudity or other potentially private or personal content, the Division Commander will ensure that the video in question is reviewed by a person of the same sex as the individual featured in the recording. If it is determined that there is private content on the accidentally recorded video, the Division Commander will ensure that the video is not viewed by other personnel and is deleted.

D. Copying Procedures:

1. A copy of a PVRs file can be requested in accordance with the provisions of this policy.
2. Any request for copies of PVRs data that is not covered under this policy will be subject to the authority of the Chief of Police.

E. Investigators conducting criminal or internal investigations shall advise the System Administrator to restrict access of a PVRs file when necessary in criminal or administrative investigations.

F. A PVRs file may be utilized as a training tool for individuals, specific units, and the department as a whole. A recommendation to utilize a PVRs file for such purpose may come from any source as outlined below:

1. A person recommending utilization of a PVRs file for training purposes shall submit the recommendation through the chain of command to the Division Commander or designee.
2. Before approving the PVRs file for training, the Division Commander will assess the videos value for training purposes and if appropriate for training, will notify all involved personnel.
3. If an involved officer or other employee objects to the showing of a recording for training purposes, his/her objection will be submitted to the Chief of Police or designee.

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4. The Chief of Police or designee shall review the recommendation and determine how best to utilize the PVRs file considering the objections of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g., General Order, Training Bulletin, Officer Safety Bulletin, briefing or other training).

448.8 POLICY REVIEW

This policy was reviewed by Captain Sarsfield 06/11/20

448.8 ATTACHMENTS

See attachment: [Axon_Flex_2_Quick_Start_mpc0251.pdf](#)

Automated External Defibrillators

449.1 PURPOSE AND SCOPE

The purpose of this order is to define and regulate the use of devices (AED's) by department personnel.

449.2 POLICY

It shall be the policy of the Livermore Police Department to have AED's available in the field to be used for cardiac arrest victims.

AED's will also be stationed in selected locations in the police building for use on victims of cardiac arrest within the facility.

449.3 PROCEDURE

449.3.1 PROGRAM ADMINISTRATION

The Facility and Equipment Manager is responsible for the administration and maintenance of the AEDs. The lead First Aid/CPR instructor shall assist with issues requiring instructor knowledge. The Facility and Equipment Manager shall ensure that the department remains in compliance with all applicable regulations regarding placement and deployment of an AED.

Section Revised: May 1, 2010

449.3.2 TRAINING

All police officers, sergeants, lieutenants, and community service specialists (CSS) shall be trained in CPR and AED procedures. The training shall be administered by certified AED/CPR instructors using a program equivalent to the American Heart Association CPR/AED curriculum.

CPR and AED training may also be offered to all other employees and volunteers of the department as resources allow. Semi-annual training updates by certified instructors shall be provided during patrol briefings or group meetings.

Section Revised: May 1, 2010

449.3.3 DEPLOYMENT IN THE FIELD

One AED shall be deployed in each marked patrol unit, in conjunction with the first aid kit. Minimally, each beat officer shall have an AED-equipped first aid kit. AED's may be deployed with supervisory and non-sworn field personnel if additional AED's are available.

449.3.4 STATIONARY LOCATIONS

The Facility and Equipment Manager shall select strategic locations within the police building to position AED's. These AED's shall be accessible to all personnel within the secured area.

Section Revised: May 1, 2010

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449.4 USE OF THE AED

An AED may be utilized whenever an AED-equipped officer is at the scene where a patient is in possible cardiac arrest.

Only personnel certified as trained in the usage of an AED shall operate an AED.

If an AED-equipped officer receives notification of a "code blue" medical emergency (pulseless patient), the officer shall respond to the call Code 3 unless fire or ambulance personnel are already on scene.

If an AED-equipped officer has been dispatched, and a fire or ambulance unit arrives prior to the officer, the officer shall reduce to Code 2, and respond if necessary for investigation or other assistance.

Dispatchers shall not assign any non-sworn personnel (CSS, etc.) to respond to emergency medical calls for the purpose of administering the AED. However, CSS units equipped with an AED unit shall provide medical assistance to possible cardiac arrest victims, when they are present at a medical emergency or whenever a CSS believes they are the closest police personnel to an emergency medical call. CSS's shall obey all traffic laws when responding to such a call, in accordance with established department policy.

449.4.1 COLLECTION OF RECORDED AED INFORMATION

Whenever an AED is used on a patient, the used pads shall be placed in a bio-hazard bag and returned with the AED to the Facility and Equipment Manager for post-incident processing. The Facility and Equipment Manager shall arrange for event information downloading as soon as practical, replace the pads and associated supplies, and return the unit to service immediately thereafter.

Downloaded information is to be forwarded to the AED Program Physician or designee for review. The used pads shall be returned to the manufacturer for replacement, if the manufacturer provides an exchange program.

Section Revised: May 1, 2010

449.5 AED MAINTENANCE

The Facility and Equipment Manager shall ensure that AEDs are maintained in accordance with the manufacturer's recommendations and state/local regulations. Personnel assigned to a vehicle equipped with an AED shall conduct an AED check prior to going in service each shift. This check shall include that the function indicator shows ready (green checkmark), and that it is stocked with a pad and prep kit.

The Facility and Equipment Manager shall ensure that that monthly checks are completed on each AED unit. Documentation for the monthly checks shall be accomplished on a checklist as recommended by the AED manufacturer and state/local regulations. Any malfunctioning AED is to be forwarded to the Facility and Equipment Manager for repair. AEDs are to be sent for repair expeditiously and returned to service as soon as practical. If necessary, AEDs should be retrieved

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from vehicles assigned to non-sworn employees to allow an AED to be in each marked patrol officer vehicle.

The Facility and Equipment Manager shall ensure that AED replacement supplies and batteries are kept in stock. Batteries shall be replaced in accordance with manufacturer recommendations.

Section Revised: May 1, 2010

Medical Marijuana

450.1 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.

450.1.1 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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450.2 POLICY

It is the policy of the Livermore 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 Livermore Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

450.3 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.

450.3.1 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.

450.3.2 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.

450.3.3 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).

450.3.4 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.
- (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 may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

450.3.5 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).

450.3.6 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).

450.4 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.

450.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section 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 and Evidence Section 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 and Evidence Section 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 and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigative Bureau supervisor.

450.6 POLICY REVIEW

This policy was reviewed by Captain Sarsfield 01/22/19.

Foot Pursuits

456.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

456.2 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. Officers are encouraged to utilize LPD's Contain, Point, and React Team response model when involved in a foot pursuit.

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.
- (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

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immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

456.3 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) Officers are discouraged from engaging in foot pursuits 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 aware the location of the foot pursuit is difficult to get to by responding units.
- (e) The officer is unsure of his/her location and direction of travel.
- (f) 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.
- (g) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (h) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (i) 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.
- (j) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (k) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (l) The officer loses possession of his/her firearm or other essential equipment.
- (m) 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.
- (n) The suspect's location is no longer definitely known.
- (o) 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.
- (p) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

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456.4 RESPONSIBILITIES IN FOOT PURSUITS

456.4.1 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.

456.4.2 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.

456.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

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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 should promptly proceed to the termination point to direct the post-foot pursuit activity.

456.4.4 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.

456.5 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.
 - 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.

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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.

456.6 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.

456.7 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Fingerprint Evidence

457.1 PURPOSE AND SCOPE

To establish procedures for the proper collection, handling and packaging of latent fingerprint evidence.

Policy Enacted: May 1, 2010

457.2 HANDLING OF FINGERPRINT EVIDENCE

Preservation of the physical and chemical condition of fingerprint evidence is crucial toward later effective examination. In addition, packaging of fingerprint evidence at the scene must be adequate to protect against any biological or chemical hazard.

Care should be taken to prevent evidence contamination by the employee collecting the latent print. Fingerprints on smooth, non-porous surfaces are very easily damaged and can be destroyed by any handling. Where possible, items containing fingerprint evidence should be handled sparingly and only held by areas of the surface where fingerprint detection is least likely; i.e. corners, uncommon edges, etc.

457.3 DEVELOPMENT OF FINGERPRINT EVIDENCE

Development of fingerprint evidence in the field should be done by the best possible means available to the employee at the time.

In situations where special techniques are required, the evidence should be protected until it can be processed by a Crime Scene Technician.

Items not suitable for print development in the field using available resources, should be collected and packaged, then booked into the Property Room with a Laboratory Service Request form.

There are many resources available to employees to assist in the development of fingerprint evidence: Community Service Specialists, Crime Scene Technicians and the Property Identification Technician have all received specialized training in fingerprint evidence development.

457.4 PACKAGING OF FINGERPRINT EVIDENCE

Reasonable precautions should be taken to protect large quantities of physical evidence intended for laboratory examination. Use care in placing evidence tags and labels.

Latent fingerprint evidence should be packaged in evidence envelopes and sealed in accordance with established evidence packaging procedures.

457.5 FINGERPRINT EVIDENCE RECEIVING

The Property & Evidence Technician shall forward fingerprint evidence to the Property Identification Technician for analysis.

Due to the simplicity of storage and their value for future reference, fingerprint evidence will be maintained by the Crime Lab indefinitely.

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Fingerprint Evidence

457.5.1 FINGERPRINT EVIDENCE REPORT DOCUMENTATION

Officers shall document in a police report any and all efforts made to collect fingerprint evidence at a crime scene. The appropriate forms shall be completed for any fingerprint evidence collected due to these efforts.

Automated License Plate Readers (ALPRs)

460.1 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.

460.2 POLICY

The policy of the Livermore 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.

460.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Livermore 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, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment will be coordinated by the IT Manager and the Police Facility and Equipment Manager. ALPR data retention and access shall be managed by the ALPR Administrator.

460.3.1 ALPR ADMINISTRATOR

The ALPR Administrator 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.

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460.4 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.
- (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.
- (g) Hot plates should only be entered into ALPR systems to assist with the investigation of Livermore Police Department cases only. The following personnel have the authority to enter Hot Plates into ALPR systems:
 - 1. Lieutenants
 - 2. Sergeants
 - 3. Detectives
 - 4. Crime Analysts
 - 5. Support Services Manager
 - 6. Supervising Public Safety Dispatchers
- (h) The Information Technology (IT) unit may access ALPR systems to conduct periodical tests to ensure the systems performance.

460.5 DATA COLLECTION AND RETENTION

The ALPR Administrator is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from ALPR systems to the designated storage in accordance with department procedures.

All ALPR data stored in a server should be stored for up to one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal

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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.

The only information contained in the ALPR database is the vehicle license plate, a photograph of the vehicle, the location the photograph was taken and the date and time the photograph was taken. The data that is contained in the database is encrypted and does not keep any personal information.

460.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Livermore 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.
- (c) ALPR system audits shall be conducted by the ALPR Administrator on a quarterly basis to ensure compliance with department policy. For security or data breaches, see the Protected Information Policy #812.

For security or data breaches, see the Protected Information Policy #812.

460.7 ACCESS TO ALPR DATA

Access to ALPR data is restricted to officers with both the need to know and the right to know. When these conditions are met, data can be used for the following purposes:

- (a) To locate stolen vehicles, wanted persons, and suspects of serious misdemeanors and felony crimes.
- (b) To locate and apprehend individuals subject to arrest warrants or otherwise lawfully sought by law enforcement.
- (c) To locate witnesses and victims of violent crime.
- (d) To locate missing children and elderly individuals, including responding to Amber and Silver Alerts.
- (e) To protect participants at special events and critical infrastructure.

ALPR data shall not be used to enforce infractions or minor vehicle code violations.

ALPR notifications related to outside agency entries that are general in nature (i.e., "felony vehicle" with limited further details) should be approved by a supervisor prior to a patrol response. Other entries that can be quickly and independently checked, such as the current status of a reported stolen vehicle, do not require supervisory authorization prior to a response. When required,

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supervisory review should include considerations regarding the amount of information available at the time of the notification, the intent of the responsible agency's entry (arrest driver, identify occupants, secure vehicle as evidence, etc.), available LPD resources, and all applicable LPD policies, such as the pursuit policy, prior to taking significant action related to such notifications. LPD supervisors are not required to initiate action based on an ALPR activation, and should base any decision to take action on the totality of the circumstances.

460.8 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.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Security Policy #810 (Civil Code § 1798.90.55).

460.9 TRAINING

The ALPR Administrator 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).

460.10 REPORTING

An annual report will be completed detailing the use of the ALPR system. The ALPR Administrator will be responsible for completing the report.

460.11 POLICY REVIEW

This policy was reviewed by Captain Boberg

Homeless Persons

461.1 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 Livermore Police Department recognizes that members of the homeless community are often in need of special protection and services. The Livermore 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.

461.1.1 POLICY

It is the policy of the Livermore 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.

461.2 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 shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

461.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.

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- (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.

461.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

461.4 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

461.5 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

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has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

461.6 UNLAWFUL CAMPING ENFORCEMENT

The following guidelines have been adopted by the Livermore City Council regarding Livermore Municipal Code 12.65 – Camping:

1. Enforcement shall be reactive rather than proactive, except in cases where the violation is: open and obvious; presents an immediate threat to the public's health and safety; or is discovered by Department staff in the ordinary course of its duties.
2. While the ordinance authorizes the use of citations, this option is a tool of last resort. The ordinance's goal is compliance not criminalization.
3. Generally, violations will be cited as infractions except in unusual circumstances for recidivists.

461.7 ENCAMPMENT PROCEDURES

The camping ordinance procedures are as follows:

1. When a complaint is received, Department staff will investigate. If camping is occurring, staff will advise people about the prohibition and provide information about services.
2. Department staff will also post a notice to comply based on a reasonable time frame depending on the circumstances, but not less than 24 hours.
3. Department staff will notify service providers that an encampment has been posted.
4. If a re-inspection finds that the violation has not been abated, the camp will be removed by contacting Public Works to schedule a cleanup. Staff may elect to issue a citation at this time based on the circumstances; a citation is not automatic or mandatory.
5. Personal belongings, but not trash or hazardous materials, will be preserved for not less than 60 days for retrieval by the owner of said property. Personal belongings will be stored at no cost.
6. A notice will be posted regarding the location to pick-up personal belongings.
7. If someone collects their belongings from storage, a citation for violating the camping ordinance cannot be issued at that time.
8. People sleeping in vehicles in a space or stall in an off-street parking facility owned or operated by the City is not a violation of the camping ordinance. However, doing so may constitute a violation of other city, county and state statutes.

461.8 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Public Recording of Law Enforcement Activity

462.1 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.

462.2 POLICY

The Livermore 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.

462.3 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.
- (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.

462.4 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 behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

462.5 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.

462.6 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.

Crisis Intervention Incidents

463.1 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.

463.1.1 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.

463.2 POLICY

The Livermore 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.

463.3 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

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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463.4 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.

[See attachment: ALCO Law Enforcement CIT Resource Guide July 2012.pdf](#)

463.5 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.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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463.6 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, and courteous.
- 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.

463.7 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.

463.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing when appropriate.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

463.9 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.

463.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

463.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

463.11 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

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to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

463.12 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).

463.13 POLICY REVIEW

This policy was reviewed by Captain Young on 01/10/17

Alarm and Verified Alarm Response

464.1 PURPOSE AND SCOPE

This policy provides guidelines and responsibilities for responding to a commercial or residential alarm activation and addressing locations with repeated false alarms.

Statistics indicate that the majority of alarm activations are false. When officers respond to such alarms, resources are consumed which could be more effectively used in improving response time to valid incidents.

464.2 DEFINITIONS

Definitions related to this policy include:

Burglary or Property Alarm – Any alarm system or device for detection and reporting of any unauthorized entry, attempted entry or property damage upon real property protected by the system which may be activated by sensors and, when activated, transmits a telephonic, wireless, electronic, video, or other form of message, or emits an audible or visible signal that can be heard or seen by persons outside of the protected premises.

False Alarm – A False Alarm will be determined by the officer after the officer has arrived and thoroughly checked the location and finds no evidence of a crime occurring. An officer cancelled while en route to the location will not be considered a False Alarm. Alarms caused by weather or power outages are not considered false alarms.

Premises or Protected Premises – Any area and any portion of any area protected by an alarm system.

Responder – Any private guard, alarm company guard, private entity, or person contacted by an alarm company operator, or any other person, who verifies that there is evidence of intrusion, commission of an unlawful act, or emergency on the premises that would warrant a call for police assistance or investigation for a possible crime.

Robbery or Panic Alarm – Any alarm or device manually activated by an individual on or near the premises, to alert others that a robbery, or other violent crime or incident is in progress and immediate assistance is needed to preserve life, prevent injury, or serious bodily harm.

Verified Alarm and Verified Alarm Criteria – A burglary or property alarm which a Responder has verified that a crime, attempted crime, or other emergency is occurring at the premises.

Verification Criteria may be by:

- (a) An eyewitness observing a person enter the location or suspicious persons or vehicles in the area of the location.
- (b) Through the use of a remote audio or video system monitored by an alarm company or person.

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- (c) Two alarm zone activations within a ten minute period from either the same or different sensors.

Verified Alarm Response Status- Those locations with more than three false alarms in a six month period and on recommendation of the Crime Prevention Specialist will be designated as a Verified Alarm Response only status. In those cases, officers will be dispatched to the alarm activation only after the alarm has been verified through the Verified Alarm Criteria.

464.3 RESPONSIBILITIES OF COMMUNICATIONS

Any robbery, panic, or alarms that involve a bank, credit union, ATM, firearms dealer, or a critical infrastructure shall be dispatched per Dispatch Procedures.

When Communications receives a call of a burglary or property alarm, the call-taker will obtain as much information as possible from the alarm company and enter a call. The call-taker will check the address in CAD and determine if the alarm location has been designated as a Verified Alarm Response status. If the person verifying an alarm is at the location witnessing the incident, Communications shall instruct the person to remain in a safe location until officers have responded.

If the information received fits the Verified Alarm Criteria, the call will be prioritized according to communication's procedures and two officers will be dispatched to respond.

If the information received does not fit the Verified Alarm Criteria, the alarm company will be advised of this and that there will be no police response. Communications will determine if a responsible party will be responding to the location of the alarm and will broadcast the alarm as beat information only and no officer will be dispatched. If a responsible person will be responding, Communications will advise the person to call us when they arrive at the location or if they discover any evidence of a crime or intrusion.

464.4 RESPONSIBILITIES OF RESPONDING OFFICERS

Responding to an alarm activation is a multiple unit response due to the potential dangers involved. Alarms indicate an in-progress situation and will be responded to using current officer safety tactics. The responding officers will evaluate the call for service and determine if additional resources are needed.

If the officer, after thoroughly checking the location, determines the alarm is false, the officer will advise Communications that the alarm was false and request a responsible person to respond to the scene. The Officer should provide a Livermore Police "False Alarm pamphlet and note in CAD that the pamphlet was provided.

Regardless if an alarm has a Verified Alarm Response status and is broadcasted as beat information only, an officer may respond to the location if additional information warrants a response. In those cases, the officer will advise Communication of their intended response and normal alarm response procedures would be initiated

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464.5 RESPONSIBILITIES OF THE CRIME PREVENTION SPECIALIST

The Crime Prevention Specialist will ensure that a report will be generated weekly by IT Staff outlining the previous week's alarm calls, locations, and dispositions. Based on that report, the Crime Prevention Specialist will maintain a year to date report documenting locations with repeat calls for service resulting from false alarms.

Those locations with more than three false alarms in a six month period will be subject to the Verified Alarm Criteria. A letter will be sent to those locations notifying them of the excessive false alarms. The responsible owner will also be advised that continued false alarms will cause the Livermore Police Department to no longer respond to their location for burglary or property alarms unless it meets the Verified Alarm Criteria.

The Crime Prevention Specialist shall send a letter after three or more false alarms to the responsible to notify them that they are on the verified response list. Upon the responsible owner's request, the Crime Prevention Specialist will provide training and education in an effort to reduce crime and false alarms.

The Crime Prevention Specialist will submit to the Support Service Captain a quarterly report documenting those locations that are subject to the Verified Alarm Response.

A location that has been identified as a Verified Alarm Response property shall be removed from the Verified Alarm Response status after being free from false alarms for six months or on the recommendation of the Crime Prevention Specialist.

464.6 RESPONSIBILITIES OF THE PUBLIC SAFETY DISPATCH SUPERVISOR

The Crime Prevention Specialist will notify the Dispatch Supervisor of a location identified as Verified Alarm Response status, the Dispatch Supervisor will enter the location in CAD as a Verified Alarm Response only location.

Civil Disputes

465.1 PURPOSE AND SCOPE

This policy provides members of the Livermore Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

465.2 POLICY

The Livermore Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

465.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

465.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

465.4.1 STANDBY REQUESTS

[Standby requests for retrieval of property should be limited to cases involving domestic violence; however, other cases may be approved by the Watch Commander. Dispatch should get approval from the Watch Commander before sending officers to property retrieval standby requests.](#)

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

465.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

465.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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465.7 POLICY REVIEW

This policy was reviewed by Captain Young on 3/23/16

First Amendment Assemblies

466.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

466.2 POLICY

The Livermore 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.

466.3 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).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, 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.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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466.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

466.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until 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.

466.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

466.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

466.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

466.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

466.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

466.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and 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/ Conducted Energy Weaponpolicies. Also see section 466.8

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of this policy for additional direction related to the use of kinetic energy projectiles and chemical agents).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

466.8 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:

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1. A violation of an imposed curfew.
 2. A verbal threat.
 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

466.8.1 USE SUMMARY

The Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

466.9 ARRESTS

The Livermore Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

466.10 MEDIA RELATIONS

The Chief of Police 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).

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466.10.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

466.11 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

466.12 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)

466.12.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

466.13 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

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Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

466.14 POLICY REVIEW

This policy was reviewed by Captain Boberg

Medical Aid and Response

467.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

467.2 POLICY

It is the policy of the Livermore Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

467.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.
 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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467.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

467.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

467.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance.

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467.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

467.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Operations Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

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467.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

467.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Police Facility and Equipment Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

467.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

467.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Police Facility and Equipment Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

467.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

467.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as Narcan Direct Naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Police Facility and Equipment Manager.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

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467.9.2 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

467.9.3 NALOXONE STORAGE

Naloxone will be stored in the following locations:

Kits assigned to each patrol officer.

First aid kit located in the Bag & Tag room within the Livermore Police Department.

First aid kit located in the Special Operations Unit (SOU) office within the Livermore Police Department.

First aid kit located in Property & Evidence within the Livermore Police Department.

467.9.4 MAINTENANCE AND REPLACEMENT

The replacement of expired Naloxone kits will be the responsibility of the Police Facility and Equipment Manager and will be conducted prior to the expiration dates.

467.9.5 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Sergeant will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

467.9.6 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Sergeant shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

467.9.7 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

467.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

467.11 FIRST AID TRAINING

The Training Sergeant should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

467.12 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Suspicious Activity Reporting

468.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

468.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous 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.

468.2 POLICY

The Livermore 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.

468.3 RESPONSIBILITIES

The Criminal 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 Criminal 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).

468.4 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 non-sworn 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.

468.5 HANDLING INFORMATION

The Records Unit will forward copies of SARs, in a timely manner, to the following:

- Investigative Bureau supervisor
- Crime Analysis Unit
- Other authorized designees

468.6 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through enforcement, education and engineering. The Livermore Police Department takes a balanced approach to traffic safety concentrating efforts in all three areas.

Enforcement can be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

Education is achieved through a variety of programs and partnerships. The Livermore Police Department strives to provide traffic education programs to all segments of the community through school based programs, special interest groups, service organizations, allied agencies, social media and general community presentations.

The department works closely with the City Traffic Engineering Department to ensure that community roadways are designed, maintained and signed to accomplish the efficient and safe flow of traffic.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Livermore Police Department. The in-house crossroads collision database and information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) are valuable resources for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

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500.2.1 UNMARKED VEHICLES

State law prohibits the use of unmarked vehicles solely for the purpose of traffic enforcement.

500.2.2 CHECKPOINTS

Department members engaged in the planning and operation of checkpoints for the purpose of driving under the influence, driver's license enforcement and education, or occupant restraint (seatbelt or infant seat), shall plan and conduct such checkpoints in accordance to the State of California requirements.

500.2.3 TRAFFIC RECORDS

The data used to deploy traffic officers may include data stored in the Crossroads Records Management System regarding traffic collision data, traffic enforcement data and roadway hazard information. The Traffic Unit Sergeant is responsible to coordinate data distribution.

500.2.4 TRAFFIC COMPLAINT AND DATA REVIEW PROCESS

The Traffic Unit Sergeant will establish a procedure for responding to traffic complaints and coordinate efforts with public works engineers. The procedure will include the collection and examination of roadway traffic data (speed, volume, time of day) and the accident data to determine the response to the complaints.

The Traffic Unit Sergeant will ensure that a report is compiled, at a minimum annually that includes:

- (a) Traffic collision data
- (b) Traffic enforcement activities
- (c) Traffic complaints
- (d) Analysis of enforcement activities and collisions by location and primary collision factor to evaluate the efficiency of traffic enforcement.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.3.4 HANDLING SPECIAL CIRCUMSTANCE - TRAFFIC LAW VIOLATIONS

Foreign Diplomats/Consular Officials will be dealt with in accordance with §422 of this manual. Nonresident violators, members of the legislature and military personnel will be processed in the same manner as a private citizen. Juvenile violators are processed in the same manner as adult violators.

500.3.5 UNIFORM ENFORCEMENT GUIDELINES

Officers should take enforcement action when serious violations are observed or reported. It is the intention of the Livermore Police Department to take the maximum enforcement action when a threat to life and public safety are involved. The following violations are examples of serious violations:

- Violations involving drug/alcohol impairment
- Drivers with suspended or revoked licenses, or who have never been issued a license
- Serious speed violations resulting in added danger to the public
- Other hazardous violations including but not limited to reckless driving and speed contests
- Multiple violations
- Violations resulting in traffic collisions.

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Officers observing less serious violations are encouraged to take appropriate action. Officers should use discretion in determining enforcement action for such violations as:

- Off-road vehicle violations.
- Equipment violations.
- Public carrier and commercial violations.
- Other non-hazardous violations.
- Newly enacted laws and/or regulations.
- Pedestrian and bicycle violations.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests shall be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

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500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be issued to all employees assigned to field duties. the high-visibility vests will be maintained by the employee and will be readily assessable in the field.. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure their vest isserviceable and in their possession.

Damaged or unserviceable vests shall be reported to the department's equipment manager and will be replaced.

500.6 ROADWAY HAZARDS AND OBSTRUCTIONS

Roadway and roadside hazards are contributing factors in many collisions. Officers should make efforts to remove hazards or warn motorists when it can be accomplished in a safe manner and with available resources, such as public works employees or proper signage.

In cases where traffic signals become inoperative, it is the general policy of this department not to intervene. However, if a traffic signal outage is localized, officers should make notification as specified in §430 of this manual.

500.7 POLICY REVIEW

This policy was reviewed by Captain Sarsfield on 08/28/19.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Livermore 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.

502.2 RESPONSIBILITY

502.2.1 RESPONSE TO COLLISION SCENES

It is the policy of the Livermore Police Department to respond to all reported traffic collisions within the city, with the following exceptions:

- (a) Private property collisions per §502.4.4 of this policy.
- (b) Where the collision is associated with a State Highway and falls under the jurisdiction of the California Highway Patrol.
- (c) When resources are not available.

Officers responding to collisions with reported or unknown injuries will do so promptly in accordance with §316 of this Manual. In cases where officers are not available to respond to minor collisions, department members should identify alternate means for the parties to complete a collision report.

502.2.2 TRAFFIC CONGESTION DUE TO COLLISIONS, REMOVAL OF VEHICLES

It is important that officers attempt to clear roadways as quickly as possible after a collision to limit the impact on the motoring public. However, some serious collisions involving major injuries or death may require the closure of a roadway for extended periods of time.

If the closure of a roadway is anticipated for an extended period (more than one hour), officers should utilize additional resources such as corporation yard personnel, to re-route or detour traffic when possible.

Officers may order drivers to move their vehicles from the roadway or have them towed if damage does not permit movement. All efforts should be made to tow vehicles at the owners request. If an owner is not available or refuses towing, the officer should complete a Tow/Storage form (CHP 180) and order the removal if authority exists. See §510.2.2 of this manual.

502.3 TRAFFIC COLLISION REPORTING

Copies of all traffic collision reports will be forwarded to the Traffic Unit for entry into the Crossroads database. The Traffic Unit Lieutenant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Operations Division Commander, or other persons as required.

502.4 REPORTING SITUATIONS

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Traffic Collision Reporting

502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken using the investigation format when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any injury results. A report shall be completed when a city owned vehicle is involved in a collision wherein any damage results. A Blue Team Vehicle Collision entry shall be made for all vehicle collisions involving City-owned vehicles.

Photographs of the collision scene and vehicle damage shall be taken by the traffic investigator or any supervisor.

Minor property damage only collisions with City vehicles v. City vehicles and/or city property do not generally require a traffic collision report and may be handled by a Blue Team Vehicle Collision entry from the involved employee. When deciding whether a traffic collision report is necessary, the on-duty supervisor shall consider the following:

- (a) Circumstances leading up to the collision
- (b) The employee's history of prior traffic collisions
- (c) The employee's history of lost or damaged City-owned property
- (d) The severity of damage
- (e) Employee's probationary status

502.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of the Police Department, either on-duty or off-duty, is involved in a traffic collision within the city limits of Livermore resulting in a serious injury or fatality, the on-duty Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as a severe wound or distorted member or any injury that may result in a fatality.

502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The 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.

502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, non-injury traffic collision reports may be taken, but are not mandatory, for traffic collisions occurring on private property. If there is an injury to any person involved, or a hit and run collision with suspect information that could lead to a successful prosecution of the responsible party, a report shall be completed. A report using the investigation format shall be used for major injuries or a fatality.

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502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the City of Livermore when there is a death or injury to any persons involved in the collision, or a request by either driver for a traffic collision report regardless of injury.

Collisions involving any of the following elements shall be written in the investigation format:

- (a) Fatal
- (b) Injuries to any parties which result in a severe wound or distorted member
- (c) Collisions involving City of Livermore emergency vehicles or property, emergency vehicles from another jurisdiction or involving city vehicles colliding with privately operated vehicles resulting in an injury to any party

Collisions involving any of the following elements shall be reported:

- (a) Injuries to any party which are:
 - 1. visible but not severe
 - 2. complaint of pain
- (b) Hit and run resulting in property damage with evidence that could lead to the successful prosecution of the responsible party
- (c) Collisions involving violations of Section 23152 of the Vehicle Code
- (d) City vehicles involved with a parked privately owned unoccupied vehicle

Collisions involving property damage only shall be reported using the CHP 555-03 format.

502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Operations Captain, or in his or her absence the Traffic Lieutenant, to relate the circumstances of the traffic collision and seek assistance from the Traffic Unit. In the absence of the Operations Captain or the Traffic Lieutenant, the Watch Commander or any supervisor may assign a traffic officer to investigate the traffic collision.

If an officer has responded to a major collision and is awaiting the arrival of additional investigative personnel, the officer should ensure that the scene remains secure and free from contamination.

502.6 POLICY REVIEW

This policy was reviewed by Sergeant Lash

Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Livermore Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

510.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Unit as soon as practicable after the vehicle is stored.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing company on rotation for the City of Livermore. The officer will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

510.2.5 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.

510.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

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Dispatch personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

510.2.7 RECORDS UNIT RESPONSIBILITY

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by Certified 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, in writing, or by telephone within 10 days of the date appearing on the notice.

510.2.8 TOWING FOR DRIVERS LICENSE VIOLATIONS

It is the policy of this department to tow all vehicles that are being driven by operators with a suspended or revoked license, or having never been issued a drivers license. Any exception to this policy shall be approved by an on-duty supervisor and only when the towing of the vehicle is unreasonable. The vehicle shall be impounded per Vehicle Code §14602.6 and impounded for thirty days. If the driver is required to have an ignition interlock device (IID) due to a prior driving under the influence conviction, and is driving without an IID, their vehicle should be impounded.

This section does not apply to: rental vehicles, DSS suspensions, licenses suspended due to disability, drivers who have expired licenses, or employees driving an employer's vehicle, if the employer was unaware that the employees driving privilege had been suspended or revoked.

510.2.9 REMOVAL OF UNOCCUPIED STOLEN VEHICLES

Upon locating an unoccupied stolen vehicle, that has not been involved or associated with a violent crime, an officer will confirm the vehicle is not occupied and then initiate the process to recover the vehicle. Prior to its removal, an officer will make a good faith effort to contact the owner and determine if the vehicle will be towed or, depending on the response time and if the vehicle is drivable, be released to the owner at the scene. Absent some unusual articulable circumstances and facts to include the approval of the Watch Commander, the vehicle will not be surveilled for the purposes of waiting for a possible suspect to return.

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510.3 TOWING SERVICES

The City of Livermore periodically selects tow companies to take part in a tow franchise agreement that is regulated by the City of Livermore. The tow franchise agreement is a contract between the City of Livermore and the participating tow companies to provide tow serviced for the Livermore Police Department. The participating 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 of vehicles obstructing traffic in violation of state or local regulations.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.6 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).

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- (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:
 - 1. The vehicle was stolen.
 - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 - 4. 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) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

510.7 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Livermore 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)).

512.2.1 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 Sergeant will generally serve as the hearing officer.

The failure of either the registered or legal owner or interested person or his/her agent to request or to attend a scheduled hearing shall satisfy the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

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Vehicle Impound Hearings

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

512.3 POLICY REVIEW

This policy was reviewed by Officer Boyes 09/28/15

Driving Under the Influence Enforcement/ Programs

513.1 PURPOSE AND SCOPE

Due to the major impact on society of driving under the influence of drugs and/or alcohol, the Livermore Police Department will participate and promote programs to combat drivers under the influence and make efforts to effectively deploy officers to combat this problem.

Policy Enacted: May 1, 2010

513.2 DUI ENFORCEMENT GENERAL

Patrol and Traffic Officers should always be vigilant to locate and arrest drivers who are impaired. Watch Commanders and Patrol Supervisors should ensure that DUI enforcement is held in high priority in their operations.

The Traffic Unit Supervisor is responsible to ensure efforts are made to field the appropriate resources during times of increased DUI occurrence (certain holidays), and in areas where analysis has shown a significant number of violations or DUI- related collisions have occurred.

513.3 REGIONAL AND STATE DUI EFFORTS

The Livermore Police Department will, when possible, participate in regional efforts to combat DUI including:

- California Drunk and Drugged Driving Awareness Month (December)
- County wide Grant Programs, ie: Avoid the 21
- Ad-hoc inter-agency efforts

The Traffic Unit Supervisor is responsible for coordinating these efforts.

513.4 DUI PROCEDURES

The legal authority for arrest and to enforce DUI laws is contained in the California Vehicle Code, Division 11, Chapter 12, Articles 1 and 2 and specified other sections. Officers are responsible to be familiar with and follow DUI laws contained in the California Vehicle Code and the guidelines in this policy manual.

Impaired Driving

514.1 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).

514.2 POLICY

The Livermore 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.

514.3 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 Sergeant 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.

514.4 FIELD TESTS

The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 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.

514.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

514.5.2 BREATH SAMPLES

The Traffic Sergeant 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)).

514.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

514.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

514.5.5 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).

514.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

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514.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

514.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

514.6.1 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.

514.6.2 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

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- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - (a) This dialogue should be recorded on PVRs if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on PVRs 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.

514.7 RECORDS UNIT RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.8 ADMINISTRATIVE HEARINGS

The Records Supervisor 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.

514.9 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

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514.10 ARREST AND INVESTIGATION

514.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.10.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

514.11 POLICY REVIEW

This policy was reviewed by Captain Boberg on 01/31/2023.

Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Traffic Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Unit shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 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 Unit Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Unit Lieutenant may request the 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 during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation.

516.4 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 citation amendment form requesting a specific correction to his/her immediate supervisor. The citation and citation amendment form shall then be forwarded to the Traffic Unit. The Traffic Unit shall forward the citation and citation amendment form to the court having jurisdiction and to the recipient of the citation.

516.5 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Unit.

516.6 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

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516.6.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Bureau who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Livermore Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

516.6.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

516.6.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in

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addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

516.7 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.

516.8 POLICY REVIEW

This policy was reviewed by Sergeant Lash

Disabled Vehicles

520.1 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.

520.2 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.

520.2.1 ASSISTANCE TO OTHER ROADWAY USERS

General assistance to motorists that do not have a disabled vehicle is encouraged, as time and resources allow, if requested. These services might include providing directions or other related information.

Section Added: May 1, 2010

520.3 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.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair. Due to the electronic equipment in the vehicles, patrol vehicles should not be used to jump start a disabled vehicle.

520.3.2 ROADSIDE OR TOW SERVICES

Most motorists with a disabled vehicle require roadside assistance. Department personnel should assist in making contact and summoning a tow company if necessary. The motorist should be asked if they have a preference of a specific tow company. Department personnel should request the specific tow company be summoned by the dispatch center, or if no preference is expressed, dispatch shall contact the next rotational tow company available.

Section Added: May 1, 2010

520.3.3 EMERGENCY SITUATIONS

In an emergency situation, officers should use discretion in determining the appropriate action to assist a motorist. Care should be given to provide any possible assistance while evaluating

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the danger to officers, victims, and other motorists. Any time a motorist is caught in a hazardous situation, officers should, if possible, direct or transport them to the nearest safe position. Officers should provide emergency first aid when needed and/or arrange for emergency medical or fire response when appropriate.

Section Added: May 1, 2010

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

Police Traffic Escorts

521.1 PURPOSE AND SCOPE

This policy outlines the responsibility for providing escort services for emergency vehicles and civilian vehicles in medical emergencies and planned motorcades.

Policy Enacted: May 1, 2010

521.2 ESCORTS GENERALLY

Police Escorts in general are highly discouraged. It is the policy of this agency not to routinely provide escorts for funerals or other processions.

521.2.1 AUTHORITY AND PROCEDURE

The Operations Division Commander or their designee may authorize a scheduled escort in cases of dignitary security, funeral procession of a public official or dignitary, highway construction, unusual cargo, or as directed by the Chief of Police. A Patrol Watch Commander or Supervisor may authorize an emergency escort in life threatening situations.

72-Hour Parking Violations-Abandoned Vehicles

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Livermore City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code §§ 22652.6 and 22669.

524.1.1 PARKING ENFORCEMENT

Patrol personnel, including Community Services Officers and Cadets, are authorized and responsible for enforcing parking laws under state and local law.

Section Added: May 1, 2010

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Livermore 72-Hour Parking Ordinance should be marked and noted on the Livermore Police Department Marked Vehicle Card. No case number is required at this time.

A warning sticker should be affixed on a prominent place on the vehicle and 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 should be noted on the Marked Vehicle Card.

All Marked Vehicle Cards should be submitted to the Traffic Unit for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle should be re-marked for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Unit.

Parking citations for the 72-hour parking ordinance should not be issued when the vehicle is stored for the 72-hour parking violation.

524.2.1 MARKED VEHICLE FILE

The Traffic Unit shall be responsible for maintaining a file for all Marked Vehicle Cards.

Abandoned Vehicle Officers assigned to the Traffic Unit shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized rotational towing service and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Dispatch Unit immediately following the storage of the vehicle. It shall be the responsibility of the Dispatch Unit to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)).

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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 Unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 FOLLOW-UP INVESTIGATION PROCEDURES

Follow-up investigation procedures are developed and are maintained in the Operations Procedure Manual. Department members conducting follow-up investigations will follow the established procedures as appropriate.

600.3 POLICY

It is the policy of the Livermore 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.

600.4 INITIAL INVESTIGATION

600.4.1 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.

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600.4.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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 Investigative 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.

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.

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- (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 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.7 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.

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- (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).
- (g) Case lacks further investigative merit as determined by the Criminal investigations Bureau Lieutenant, Sergeant, or designee.

The Domestic Violence, Child Abuse Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.8 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.

600.9 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.9.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

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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.

600.9.2 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.

600.10 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Operations Captain 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.
 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.

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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.

600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Livermore Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigative Bureau supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Unit Policy for additional guidance.

600.12 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.

600.13 POLICY REVIEW

This policy was reviewed by Captain Boberg.

Criminal Investigation Bureau

601.1 PURPOSE AND SCOPE

The purpose of this section is to create a framework for efficient and effective criminal investigations. Criminal Investigations can be performed by both uniformed officers and detectives with specialized investigative training.

Policy Enacted: May 1, 2010

601.2 24-HOUR CRIMINAL INVESTIGATION

On an annual basis and prior to the start of the calendar year, The Criminal Investigations Bureau will create an On-Call Detective Duty Roster for the purpose of having a detective available at times other than normal business hours. The On-Call Roster will be maintained by the Criminal Investigations Unit Supervisor, and will be made available for viewing in the schedules folder on the Livermore Police Department Share Drive (S:\Share Drive Misc\Schedules). The CIB Supervisor is responsible for updating the On-Call Roster if any changes are made after it is posted to the Share Drive.

The on-duty Watch Commander or Patrol Supervisor will determine the need before calling out on-call criminal investigation personnel. In determining when to call out criminal investigation personnel, supervisors should consider the seriousness of the offense, complexity of the case or crime scene, staleness of the crime, and/or the available patrol personnel as well as their experience and expertise.

If it is determined that criminal investigation personnel need to be contacted, the on-duty supervisor will notify the CIB Supervisor, or their designee. The CIB Supervisor has the authority to authorize or deny a call-out response, unless directed by someone of a higher rank. The CIB Supervisor shall coordinate call-out requests of detectives assigned to the unit.

601.2.1 RESPONSIBILITY AT CRIME SCENES

When a detective responds to a crime scene, the detective will confer with the patrol officer / supervisor in charge. After evaluating the circumstances of the incident, the detective will advise the CIB Supervisor of the findings and the Criminal Investigations Unit will assume responsibility of the case. The CIB Supervisor or his designee has authority to control the crime scene, direct the investigation, and direct those police resources at the scene. Detectives and patrol personnel shall cooperate to the utmost level having the solution of the crime and public safety foremost in mind. Officer in Charge refers to supervisory personnel or senior officer at the scene. If a commanding officer is present, the detective will be under the direction of the commanding officer or his/her designee.

601.2.2 INVESTIGATORS ATTENDANCE AT PATROL BRIEFINGS

The Investigations Unit Supervisor shall develop and maintain a process to assure periodic attendance of Detectives at patrol briefings. The purpose of this attendance is the exchanging of information on cases and current crime trends.

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601.3 CASE SCREENING AND INVESTIGATION

Case screening focuses the available work force on the investigations of crimes that have the highest probability for a successful conclusion. The CIB Supervisor shall screen new cases to decide the course of the investigation, basing his decision on:

1. The seriousness of the incident
2. The solvability factors that are present including:

Suspect leads

Witnesses to the crime

Identifiable suspect vehicles

Distinctive methods of operation

Available physical evidence and or lack of traceable property

The level of cooperation from the victim

3. The investigative workload for the detective to be assigned or the entire unit.

Cases should be assigned to available detectives with special skills, knowledge, training, or abilities necessary to complete the investigation. The CIB Supervisor is responsible for recording and monitoring cases assigned to each investigator.

601.3.1 SUSPENDED CASES

The suspension of case investigations that are not major cases, e.g., property crimes not involving a criminal ring, may occur with corroboration between the Detective and the CIB Supervisor. The suspension of major cases may occur only after review by and the approval of the CIB Supervisor or CIB Lieutenant. Cases may be suspended for reasons that include the following:

Lack of workable leads

Lack of corroborative witnesses

Lack of victim cooperation

Unavailability of investigative resources

Unsolved homicides, rapes, or other serious crimes should be analyzed every two years for possible cold case efforts.

601.4 CASE STATUS CONTROL SYSTEM

Upon screening a potential investigations type case, the Investigations Supervisor decides which Detective will be assigned the case. After the case is assigned, the Detective shall enter the case information into the CIB Case log Data Base tracking system. The Detective shall be responsible for updating and maintaining their case information in the CIB Case log Data Base tracking system.

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601.4.1 ADMINISTRATIVE DESIGNATORS

All crimes that the Livermore Police Department investigates have administrative clearance designations that meet the guidelines of the California Department of Justice. Patrol Officers and Detectives are required to use the most appropriate designation as the explanation of clearance. The clearance designations are:

Administrative status " Open " Cleared Otherwise " Sent to the District Attorney " Sent to Probation (Juveniles) " Cleared by Arrest Other Clearances: " Pending Further Leads " Suspended " Unfounded

601.4.2 INVESTIGATIONS CASE FILES

When a case is assigned to an investigator, a temporary case file may be created that resides within the investigations unit. This file should only contain copies of the original case as all original case files are maintained within the Records Bureau. Upon completion of the case or upon update of original record, the investigator is responsible to assure that all information developed is transferred from the investigations case file to the permanent case file.

When the investigator assigned to a case no longer needs the case file and all pertinent information has been transferred to the permanent record, it may be purged by placing the file in the shred bin or by shredding the file.

601.4.3 REPORT ACCESSIBILITY

The Livermore Police RMS allows viewing of most case files by department personnel. However, a report can be restricted. The restriction of accessibility may only be approved by a supervisor. Restrictions include allowing only detectives or the report author to view the report, and the ability to restrict outside agency viewing.

601.5 PRELIMINARY AND FOLLOW-UP INVESTIGATIONS

Patrol officers are the first responders and responsible for the preliminary investigation of crimes. Patrol officers conduct the follow-up investigation, if practical, for cases they are assigned. Patrol officers responding to serious felonies should ask their supervisor if it is appropriate if it is appropriate to request a detective call out. If a patrol officer is unable to complete follow-up on a routine case, that case should be forwarded to the detectives for follow-up. The Investigations Bureau conducts the follow-up investigation on serious and complex cases or those where the follow-up by patrol is not practical. Investigators generally will always be requested to handle cases involving the following:

- Felony Child Abuse
- Sexual Assaults
- Suspicious Deaths
- Homicides

Sexual Assault Investigations

602.1 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.

602.1.1 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.

602.2 POLICY

It is the policy of the Livermore 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. All personnel responding to a reported sexual assault shall follow the Livermore Police Department Sexual Assault Protocol.

[See attachment: Sexual and Physical Abuse Protocol.pdf](#)

[See attachment: 293 Eligible Crimes - Advocate Crimes.pdf](#)

602.3 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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602.4 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.

602.5 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 Investigative 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.

602.6 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.

602.7 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.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview 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 of clothes, bathing). The follow-up interview may be delayed to the following day based upon the

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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.

602.7.1 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 § 679.04).
 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).

602.7.2 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).

602.8 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.

602.8.1 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.

602.8.2 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.

602.9 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 Investigative Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Investigative 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.

602.10 POLICY REVIEW

This policy was reviewed by Lieutenant Reynolds on 04/23/19.

Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 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 Livermore Police Department seizes property for forfeiture or when the Livermore 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.

606.2 POLICY

The Livermore 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 Livermore 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.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 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.

606.3.2 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).

606.3.3 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.

606.4 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.

606.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section 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.

606.6 FORFEITURE REVIEWER

The Special Operations Unit Sergeant will be 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).

606.7 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).

606.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Livermore Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the

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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.

606.8 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).

606.9 POLICY REVIEW

This policy was reviewed by Captain Young on 02/16/17.

Vice, Drugs, and Organized Crime Investigations

607.1 PURPOSE AND SCOPE

The investigation of vice, drug, and organized crime activities can involve large expenditures of time, money, and effort. This policy will help to evaluate the accuracy and credibility of initial information and determine the scope and relative importance of the problem.

607.2 COMPLAINT HANDLING

When alleged vice, drug, or organized crime activity information is received, it shall be documented, indicating the source, the activity, pertinent dates and times, the name or employee number of the person receiving the information, and any other pertinent information. Documentation may be by official police report, memorandum, complaint log, or CAD incident printouts.

Reports regarding vice, drug, or organized crime shall be routed to the CIB Lieutenant. The case may be assigned to a detective for possible follow-up or routed to the appropriate jurisdiction. If the case or information is routed to another agency or jurisdiction, such routing shall be documented in the report or incident. The CIB Lieutenant shall notify the Chief of Police, via the chain of command, of any high profile vice, drug, or organized crime cases or arrests.

607.3 RECORD KEEPING

The CIB Lieutenant shall maintain the security of electronic case files of a sensitive nature. Access shall be restricted to a "need to know" basis. Cases of a sensitive nature are not to be printed in hard file until it is determined the case is closed and placing the information into RMS would not jeopardize the case, witnesses, or investigators.

607.4 CONFIDENTIAL FUNDS

The Operations Division Commander is responsible for maintaining a Special Investigation Fund, for its disbursement and for the accounting of each expenditure. This cash fund is maintained to pay for specialized investigative expenses incurred in active organized crime, drug, or vice operations.

607.5 SURVEILLANCE/UNDERCOVER EQUIPMENT

The CIB Lieutenant or designee shall have the responsibility for the department owned surveillance and undercover equipment. The equipment should be stored in a locked room or cabinet. Any department member with an official need to use the surveillance equipment shall contact CIB Lieutenant, and request permission to use the equipment.

The CIB Lieutenant shall maintain an equipment checkout system that at all times accounts for the department surveillance and undercover equipment. Any department member requesting usage of this equipment shall sign for it upon receipt, note the purpose of the request, and return the equipment promptly when the purpose is complete. Upon return of the equipment, the receiving officer/detective shall sign the equipment back in, and note if there were any problems with its usage.

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607.6 CONDUCTING/PARTICIPATING IN SURVEILLANCE

When any surveillance, undercover or decoy operation is planned, the department charge of the operation shall prepare an operations plan prior to engaging in the operation. The department member in charge of the operation shall ensure that personnel engaged in the operation are appropriately briefed on the plan.

Department members shall not participate in surveillance, undercover activities or decoy operations with outside agencies that do not generally meet the requirements of this section.

607.7 POLICY REVIEW

This policy was reviewed by Captain Sarsfield on 05/05/20

Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Livermore Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Livermore Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 POLICY

The Livermore Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

608.3 USE OF INFORMANTS

608.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

608.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Chief of Police or the authorized designee

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608.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

608.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, CIB Lieutenant, or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Livermore Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - (a) Members shall not become intimately involved with an informant.
 - (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the CIB Sergeant or CIB Lieutenant.
 - (c) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the CIB Sergeant or CIB Lieutenant.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

608.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a

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determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

608.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Criminal Investigations Bureau. The CIB Sergeant or CIB Lieutenant or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, CIB Lieutenant, and CIB Sergeant or their authorized designees.

The Criminal Investigations Division Commander or CIB Lieutenant should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the CIB Lieutenant or CIB supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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608.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

608.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The CIB Sergeant will discuss the above factors with the CIB Lieutenant, Operations Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

608.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

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- (a) Payments of \$500 and under may be paid in cash from a the Criminal Investigations buy/expense fund.
 - (a) The CIB Lieutenant or CIB Sergeants shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 - 1. The check shall list the case numbers related to and supporting the payment.
 - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 - 4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 - 1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Livermore Police Department case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 - 2. The cash transfer form shall be signed by the informant.
 - 3. The cash transfer form will be kept in the informant's file.

608.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

608.6.3 AUDIT OF PAYMENTS

The CIB Lieutenant or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

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At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

608.7 POLICY REVIEW

This policy was reviewed by Captain Sarsfield.

Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness or victim for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness or victim for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

The Livermore 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.

610.3 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.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigative Bureau supervisor shall be responsible for the maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications. The Livermore Police Department will use the Alameda County Eyewitness Identification Protocol.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

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610.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report. The officer administering the sequential line up will complete a supplemental report detailing the identification process and the identification.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

610.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

610.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

610.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

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610.8 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 lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

610.9 POLICY REVIEW

This policy was reviewed by Captain Boberg

Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

Policy Enacted: February 1, 2013

612.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the Livermore Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Livermore 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 Livermore 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.

612.3 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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612.4 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.

612.5 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.

612.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Chapter 7 - Equipment

City Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for City property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or City property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF CITY PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of City property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of City 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, via a Blue Team entry, any loss, damage to, or unserviceable condition of any City issued property or equipment available for their use.
- (b) The use of damaged or unserviceable City property should be discontinued with notice to a supervisor as soon as practical. The damaged or unserviceable property should be documented in Blue Team prior to the end of shift.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, City 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) City property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any City property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 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 in Blue Team before the employee goes off duty.

700.4 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Captain, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff 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.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.5 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 in Blue Team before the employee goes off duty.

700.5.1 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 in Blue Team before going off duty.

These written reports shall promptly be forwarded to the appropriate Captain.

700.6 POLICY REVIEW

This policy was reviewed by Captain Young on 01/30/18

Personal Communication Devices

702.1 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.

702.2 POLICY

The Livermore 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 to perform work-related business, will be subject to monitoring 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 work-related business 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.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a Department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a Department-issued PCD constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

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702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded 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.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any work-related information.
 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any work-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.
- (f) Use of a personally owned PCD while at work or for work-related business obligates the member to produce work-related information from personally owned PCD when requested to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Livermore Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

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Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in work-related business. Should members engage in such approved off-duty work-related business, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty work-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct work-related business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to work-related 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.
- (f) Members will not access social networking sites for any purpose that is not official work-related business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

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- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
- (c) An investigation into improper conduct should be promptly initiated when circumstances warrant.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating Department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to work-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other Department communications network.

702.10 POLICY REVIEW

This policy was reviewed by Captain Young on 04/24/17.

Vehicle Maintenance

704.1 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.

704.2 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.

704.2.1 CITY VEHICLE IN NEED OF TOW SERVICE

In the event a City vehicle is in need of a tow service (e.g. flat tire, dead battery, etc.), Dispatch shall contact Fleet Services during normal business hours.

If it is not during normal business hours, the designated contract vendor should be contacted by Dispatch. This type of assistance is not routed through the tow rotation that has been set up for citizens.

Section Added: February 1, 2013

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that it's equipped according to standards established by the Police Facility and Equipment Manager.

The following is a list of equipment that should be found in every patrol vehicle:

- (a) AED/1st Aid Bag
- (b) Barrier Tape
- (c) CD Holder with TRAP map
- (d) 4 Traffic Cones
- (e) Emergency Blanket
- (f) Flares
- (g) Decontamination water and spray bottle
- (h) Hug a Bear and Blanket pack
- (i) Rolo Tape for traffic collision investigations

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- (j) Fingerprint Kits
- (k) Fire Extinguisher

If an item is determined to be missing, a memorandum shall be submitted through the chain of command. The memorandum shall document the circumstances that led to the disappearance of the specific item, and ask for replacement. The Facilities Manager shall ensure the item is replaced as soon as possible.

Section Revised: May 1, 2010

704.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that it's equipped according to standards established by the Police Facility and Equipment Manager.

704.3.3 EMPLOYEE OWNED DUTY GEAR

All employees shall remove their personal equipment from the passenger compartment and trunk of their patrol vehicles prior to the end of their shift.

Section Added: May 1, 2010

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-half tank of fuel. Vehicles shall only be refueled at authorized locations.

704.5 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.

704.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Livermore to provide assigned take-home vehicles.

706.2 POLICY

The Livermore Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during the member's shift, the new vehicle number shall be documented on the roster. This list may be generated electronically through MDC login procedures.

706.3.2 OTHER USE OF VEHICLES

The use of specialty vehicles, such as the Armored Rescue Vehicle (ARV) or Community Outreach Vehicle, shall only be for legitimate law enforcement purposes (officer/public safety, public presentations, community engagement, mobile command post, training purposes, etc.). Absent an emergency situation or pre-planned operation, personnel utilizing specialty vehicles should only do so with supervisor/watch commander approval.

Members utilizing any vehicle for a purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) should first notify the Watch Commander.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after

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the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any person in custody, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

706.3.5 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

706.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

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Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

706.3.8 AUTHORIZED PASSENGERS

Absent an emergency situation, members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

706.3.9 ALCOHOL

On-duty members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

706.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Division Commander, and approval from the City of Livermore Fleet Manager.

706.3.12 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

706.4.1 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a

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permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

706.4.2 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

706.4.3 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

706.4.4 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.

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3. When the member has received permission from the Chief of Police or Division Commanders.
 4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 2. All weapons shall be secured while the vehicle is unattended.
 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
- (a) If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - (b) If the member is unable to provide access to the vehicle, it shall be parked at the Department.

706.4.5 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Livermore Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall 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.

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706.4.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) of their assigned vehicles. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment.

The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is available for scheduled service and maintenance.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a department approved facility.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use should be restricted to the respective division and the assigned member.

706.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor and complete a Blue Team entry. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported to a supervisor during the shift in which the damage was discovered. Any such damage, regardless of cause, should be documented via Blue Team. In some cases, an administrative investigation may be initiated to determine if there has been any vehicle abuse or misuse.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Division Captain.

706.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

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- (a) Members operating department vehicles 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) 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.

706.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

706.9 POLICY REVIEW

This policy was reviewed by Captain Boberg

Cash Handling, Security and Management

707.1 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.

707.2 POLICY

It is the policy of the Livermore 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.

707.3 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.

707.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

707.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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Cash Handling, Security and Management

707.6 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.

707.7 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.

707.8 POLICY REVIEW

This Policy was reviewed by Captain Young on 10/12/17

Personal Protective Equipment

708.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

708.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, gases, chemical/radiological agents, or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

708.2 POLICY

The Livermore Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

708.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

708.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

708.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

708.6 HEAD AND BODY PROTECTION

Members responsible for responding to public demonstrations, riots, or other crowd management events shall be provided head protection with an attachable face shield and padded body protection consisting of chest, arm, and leg protection.

708.7 RESPIRATORY PROTECTION

The Force Options Unit Lieutenants responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

708.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

708.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

708.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere, or environments that are immediately dangerous to life and health (IDLH).

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

708.7.4 SELF-CONTAINED BREATHING APPARATUS

Only those members who have received initial training and who have maintained annual recertification training may use SCBA.

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708.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of gas mask or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

708.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

708.8 RECORDS

The Training Sergeant is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

708.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

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Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

708.10 POLICY REVIEW

This policy was reviewed by Captain Young on 01/30/18.

Military Equipment

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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709.2 POLICY

It is the policy of the Livermore Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

709.3 MILITARY EQUIPMENT COORDINATOR

The Force Options Unit Lieutenant shall act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Livermore Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

The military equipment coordinator may delegate the above tasks as he/she deems appropriate, but will be responsible for ensuring the completion of all listed duties.

709.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

[Insert attachment here]

709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The

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military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

709.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy. Approved equipment includes items used by the East County Tactical Team (ECTT), which is a combined SWAT and Crisis Negotiations Team operated by members of the Livermore and Pleasanton Police Departments. ECTT equipment, as well as known resources from other local entities, such as the Alameda County Sheriff's Office, is listed in the annual inventory as Allied Agency Equipment.

Under exigent circumstances, and with the approval of the Chief of Police or designee, additional types of military equipment may be deployed from other entities to promote the safety and security of the public and/or Livermore Police Department staff. In such cases, the military equipment coordinator shall report the use on the department's website within 30 days of the event unless such information is deemed to be confidential under the law. The report shall include the type of equipment used, the reason it was used, and any fiscal impact from its use.

709.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is

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available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

709.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

709.9 POLICY REVIEW

This policy was reviewed by Captain Boberg.

Chapter 8 - Support Services

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
- 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

The Crime Analyst will utilize the data listed in §800.2 of this policy to identify potential crime trends, series, and patterns, by temporal and geographic distribution. The Crime Analyst will then notify all personnel with a "crime alert bulletin" when a potential problem is developing or occurring. Notification shall occur by computer e-mail or a printed product.

Section Revised: May 1, 2010

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Crime Analysis

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units 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 units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Communication Operations

802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

802.1.1 FCC COMPLIANCE

Livermore Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.1.2 LOCATION OF FCC LICENSE, RULES AND REGULATIONS

A copy of the Federal Communications License and Title 47 Rules and Regulations is maintained by the Facilities Manager.

Section Added: May 1, 2010

802.1.3 COMMUNICATIONS PROCEDURES

The Communications Center employs many complex systems for a variety of services to the public and public safety members. The Public Safety Supervising Public Safety Dispatchers are responsible for developing and maintaining procedures to efficiently provide communications services. The procedures shall be reviewed by the appropriate management staff personnel prior to implementation. Department members shall comply with the procedures established.

Section Added: May 1, 2010

802.2 COMMUNICATION OPERATIONS

This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 911 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between the Communications Center and officers.

802.2.1 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:

- Incident number

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- 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

802.2.2 TELECOMMUNICATIONS FOR THE DEAF

Telecommunications for the deaf (TDD/TTY) are available on all communications center telephone lines, incoming and outgoing. Department members should assure that these systems are functioning properly at all times and report any malfunctions.

Section Added: May 1, 2010

802.2.3 AUDIO RECORDING OF RADIO AND TELEPHONE

The Communications Supervisor will maintain a system for recording and immediate playback of all telephone and radio transmissions within the Communications Center. The recordings shall be maintained in accordance with the City of Livermore Records Retention and Destruction Procedure, unless the communication is identified as being needed in evidence. Those recordings identified will be copied and placed into evidence.

The Communications Manager shall assure that security measures are in place for the digital recordings referred in this section.

Review of the recordings are available for immediate review by department personnel for business purposes. Supervisors and managers may review audio recordings for purposes of quality control, evaluation and training.

External requests for copies of audio recordings from the Communications Center shall be routed through the Communications Manager or their designee.

Section Added: May 1, 2010

802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.

802.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as shift and beat assignment. Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign

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allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

Property and Evidence

804.1 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.

804.2 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.

804.3 PROPERTY HANDLING

It is the policy of the Livermore Police Department to book into the property and evidence system all property and evidence as soon after seizure as possible. 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 report. This shall be completed by the end of their assigned shift, unless approved by a supervisor. 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 report must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

Employees requesting to retain property for use by the Livermore Police Department shall adhere to the guidelines established in the Livermore Police Department Property and Evidence Manual.

All employees handling property defined in § 804 of this Manual shall do so within the guidelines of the Livermore Police Department Property and Evidence Manual.

804.3.1 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify dispatch and their immediate supervisor or the Watch Commander. The bomb squad will be called to handle

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explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. All illegal and Safe and Sane fireworks seized as evidence should be photographed and released to the Fire Department for destruction. After photographing, if the officer is unable to release the firework to the Fire Department, a Property and Evidence Specialist should be contacted to arrange for temporary storage until they can be transported to the Fire Department for destruction. The Property and Evidence Technician is responsible for transporting to the Fire Department, any fireworks or signaling devices that are not retained as evidence.

804.3.2 DRUG PARAPHERNALIA

Due to the potential exposure to hazardous biological materials present in and on syringes, narcotic smoking pipes, blackened residue on foil, spoons, bottle caps used for cooking narcotics, or any other items used for the ingestion or injection of illicit narcotics, these items, will no longer be booked into Property and Evidence. These items will be photographed and disposed of. Syringes shall be emptied and the contents booked into Property and Evidence. The syringe shall then be placed in the Sharps Disposal Container. All other items will be disposed of in the Hazardous Materials Container. Smoking pipes will be placed into a heat sealed plastic envelope and broken and the package and broken pieces will then be placed into the Hazardous Materials container. Narcotic Paraphernalia may be processed into evidence if it is determined by the officer that the paraphernalia is a key piece of evidence in a criminal case where the paraphernalia is part of a larger case and would be subject to hearings and/or trial.

804.4 PROPERTY CONTROL

Each time the Property and Evidence Technician receives property or releases property to another person, he/she shall enter this information in the Chain of Custody for the item being released. A receipt shall be prepared and signed by the person receiving the property. Upon receipt of a subpoena, officers should contact the District Attorney, determine if evidence is needed and contact the Property and Evidence Technician to calendar the appearance and evidence needed for court no less that three (3) days prior to the scheduled appearance.

804.4.1 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 a court order, an authorized release listing the name and address of the person to whom the property is to be released, signed by the supervisor or detective, including a description of the property that must conform to the items listed on the property form or must specify the specific item(s) to be released. The Property Evidence Supervisor may also disposition statue of limitations and closed cases for release or destruction of property and evidence. Release of all property shall be documented on the property form.

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With the exception of firearms and other property specifically regulated by statute, found property shall be held for 90 days. Officers shall provide a receipt for all property taken from persons as safekeeping and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property and Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of the property, it will be entered into the property and evidence database, and the property release form shall be forwarded to the Records Unit for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section.

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.

All members of the Property and Evidence Sections 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).

804.4.2 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 Property and Evidence Technician 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).

804.4.3 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

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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.

804.4.4 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 firearms 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 Livermore 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.

804.5 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.

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- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

804.6 POLICY REVIEW

This policy was reviewed by Property Room Supervisor Kiefer on 06/22/17.

Records Unit

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Livermore Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

806.2 POLICY

It is the policy of the Livermore Police Department to maintain department records securely, professionally, and efficiently.

806.2.1 CASE CONTROL AND AUDITING

The Records Unit Supervisor shall maintain procedures that assure case files generated are completed as appropriate and accounted for within the Records Center.

Department Supervisors shall adhere to the report approval, submission, and verification procedure for reports outlined in the procedural manual.

806.3 RESPONSIBILITIES

806.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Administrative Services Division Commander or the authorized designee.

The responsibilities of the Records Supervisor include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Unit.
- (b) Scheduling and maintaining Records Unit time records.
- (c) Supervising, training, and evaluating Records Unit staff.
- (d) Maintaining and updating a Records Unit procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 1. Homicides.
 2. Cases involving department members or public officials.
 3. Any case where restricted access is prudent.

806.3.2 RECORDS UNIT

The responsibilities of the Records Unit include but are not limited to:

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- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
 - 1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
 - 2. Suspected hate crimes (Penal Code § 13023).
 - 3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
 - 4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
 - 5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
 - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
 - 6. Anti-reproductive rights crime information required by Penal Code § 13777.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (j) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

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806.3.3 RECORDS UNIT PROCEDURE MANUAL

The Records Supervisor should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

806.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Livermore Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administrative Services Supervisor. The Administrative Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Supervisor should forward the petition to the Investigative Bureau Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigative Bureau Supervisor and the Administrative Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administrative Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

806.5 UNIFORM CRIME REPORTING

The Livermore Police Department participates in the submission of Uniform Crime Reporting data to the State of California. The Records Supervisor is responsible for assuring reports are prepared and submitted within the Department of Justice guidelines.

806.6 FILE ACCESS AND SECURITY

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Unit, accessible only by authorized members of the Records

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Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Watch Commander.

The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

806.7 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.

All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

806.8 CONFIDENTIALITY

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

806.9 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

806.10 POLICY REVIEW

This policy was reviewed by Captain Boberg

Restoration of Firearm Serial Numbers

808.1 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.

808.2 PROCEDURE

Any firearm coming into the possession of the Livermore Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 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.

808.2.2 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 form that serial numbers have been removed or obliterated.

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Restoration of Firearm Serial Numbers

808.2.3 OFFICER RESPONSIBILITY

The Property and Evidence Technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

808.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the property and evidence technician will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

Section Revised: September 1, 2011

808.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

Records Maintenance and Release

810.1 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.

810.2 POLICY

The Livermore 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.).

810.3 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 (Government Code § 6253).
- (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) In conjunction with the Professional Standards Unit, ensure that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) In conjunction with City Hall, ensure 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.
- (j) 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.

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Records Maintenance and Release

810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Records Division.

810.4.1 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.
 - (a) When the request does not reasonably describe the records sought, the public agency 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).
 - (b) 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.
 - (a) A copy of the redacted release should be maintained in the department's Public Records Act management system. If the record is audio or video, a copy of the

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redacted audio/video release will also be maintained in the department's Public Records Act management system.

- (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.

810.5 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, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, 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)).

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- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 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)).

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- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 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 § 827.95; Welfare and Institutions Code § 831).

810.6 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.

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.

810.7 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.

810.8 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 Supervisor 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.

810.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

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810.9 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- 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
- Unique biometric data

810.9.1 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 Livermore 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.

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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 Livermore Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
 1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 2. When the breach involves an email address that was furnished by the Livermore 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.

810.9.2 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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810.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

810.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

810.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

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Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

810.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

810.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

- (a) The person in the recording whose privacy is to be protected, or his/her authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

810.11 POLICY REVIEW

This policy was reviewed by Records Supervisor Michelson

Protected Information

812.1 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 Livermore 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.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Livermore 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.

812.2 POLICY

Members of the Livermore 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.

812.3 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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812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Livermore 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.

812.4.1 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).

812.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer
- (b) Records Supervisor
- (c) Full-time employees of the Records Unit
- (d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

812.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

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812.5 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 Supervisor 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 Unit 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.

812.5.1 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).

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).

812.6 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.

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812.6.1 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).

812.7 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.

812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Unit, the Communications Center and in the Investigative Bureau 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.

812.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

812.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

812.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

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Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

812.10 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).

812.11 POLICY REVIEW

This policy was reviewed by Captain Young on 01/30/18.

Computers and Digital Evidence

814.1 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.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.

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4. If it can be determined, how it was being used.
 - (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

814.2.1 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.

814.2.2 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.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 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.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be downloaded into the approved Livermore Police Department digital image management system as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the camera operator is to download the images from the memory card into the approved Livermore Police

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Department digital management system. The Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

Section Revised: September 14, 2010

Section Revised: September 1, 2011

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Animal Control

820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

820.2 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

820.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

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820.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

820.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1. Officers should seek Watch Commander approval before taking an injured animal after hours to the emergency vet. The care provided for the animal should only be to stabilize the animal. No exceptional medical aid beyond stabilization should be authorized.

820.5.1 VETERINARY CARE

The injured animal should be taken to a veterinarian as follows:

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.
- (c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

820.5.2 INJURED WILDLIFE

Injured wildlife should be referred to the Department of Fish and Wildlife or the Lindsay Wildlife Center.

820.5.3 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. If time allows, supervisor approval should be obtained prior to entering the vehicle. Members should (Penal Code § 597.7(d)):

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- (a) Make a reasonable effort to locate the owner before entering the vehicle.
- (b) Take steps to minimize damage to the vehicle.
- (c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
- (d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

820.6 POLICY

It is the policy of the Livermore Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

820.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

820.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

820.9 STRAY DOGS

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

820.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

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820.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

820.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

820.13 POLICY REVIEW

This policy was reviewed by Captain Young on 08/22/17.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Livermore Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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

Temporary custody - The time period an adult is in custody at the Livermore Police Department prior to being released or transported to a housing or other type of facility.

900.1.2 DISCIPLINE OF INMATES

Police personnel are prohibited from administering discipline to any inmate.

900.2 POLICY

The Livermore Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.2.1 INTENT AND USE OF TEMPORARY HOLDING FACILITY

It is the policy of the Livermore Police Department not to hold any prisoner within the Temporary Holding Facility in excess of six (6) hours. Generally, department personnel are encouraged to take prisoners directly to the County Jail.

The Temporary Holding Facility's use should be limited to further investigations (ie: DRE examinations, phlebotomist, etc.) and interrogation(s). The facility may also be used to temporarily secure a prisoner to arrange transportation to the County Jail. All persons held in the facility shall be entered into the Livermore Police Department Adult Secure Detention Log, located within the office of the detention facility. This entry into the log is not considered a "booking" which is completed at the County Jail facility.

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Where the word "Booking" is used in this policy to describe placing a detainee into the Livermore Police Department Temporary Detention Facility, it refers to the physical logging, searching, and securing of a detainee and not the additional activities completed at the County Jail, such as fingerprinting and photographing.

Section Added: May 1, 2010

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Livermore Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
 - 1. If the officer taking custody of an individual believes that the individual may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.
- (j) Any individual with an obvious developmental disability (15 CCR 1057).

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- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

900.3.3 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the City, as required by 15 CCR 1027.

900.3.4 AUDIO VIDEO MONITORING

Anytime an officer brings an arrestee into the Temporary Holding Facility, the Communications Center shall be notified, so that they may monitor (as available) the Temporary Holding Facility by video and audio between face to face visual observations by an officer.

Section Added: May 1, 2010

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900.3.5 PANIC/DURESS ALARMS

Panic/Duress alarms are located within the Temporary Holding Facility. If a department member needs assistance he or she may activate the Panic/Duress alarm. The alarm will sound in the dispatch center. The dispatch center shall then immediately broadcast over the department's PA system that an emergency activation of the panic/duress alarm has occurred within the Temporary Holding Facility. Officers should respond to the emergency activation, until advised the situation is has been resolved.

Section Added: May 1, 2010

900.3.6 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

- (a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

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1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 4. Ensure males and females are separated by sight and sound when in cells.
 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

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- (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
 - (c) Forward any communication from the individual to the individual's consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
- (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to the individual's consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Livermore Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including the individual's name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Livermore Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

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1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
 - (d) There is reasonable access to a drinking fountain or water.
 - (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
 - (f) There is privacy during attorney visits.
 - (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
 - (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 1. The supervisor should ensure that there is an adequate supply of clean blankets.
 - (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
 - (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Livermore Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

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900.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 - 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
 - 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
- (c) Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

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Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

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900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Livermore Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Watch Commander shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

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- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes (15 CCR 1027.5).
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to the individual's well-being.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
 - 5. Requests or concerns of the individual should be logged.

900.8.1 USE OF SOBERING CELL

Individuals who are to be held in the temporary holding facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any individual in a sobering cell (15 CCR 1056):

- (a) Placement of an individual into the cell requires approval of the Watch Commander.
- (b) A cell log shall be initiated every time an individual is placed in the cell. The log shall be maintained for the entire time the individual is housed in the cell.
- (c) A safety check consisting of direct visual observation sufficient to assess the individual's well-being and behavior shall occur at least once every 30 minutes with no more than a 15-minute lapse between safety checks. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.
- (d) Under no circumstances shall an individual be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the individual does not have an urgent medical issue.
- (e) Individuals will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

900.8.2 LARGE PROPERTY ITEMS

Any property too large to be kept at the County Jail that is in the care and custody of the arresting officer shall be booked into property for safekeeping or released to a person to a person authorized by the arrestee. The authorization shall be in writing and signed by the arrestee/owner.

Section Added: May 1, 2010

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900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Operations Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Livermore Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Watch Commander, Chief of Police and Criminal Investigations Division Commander
- (c) Notification of the spouse, next of kin or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Coroner
- (g) Evidence preservation
- (h) In-custody death reviews (15 CCR 1046)
- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms, and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Livermore Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier.

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If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

900.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

900.11 ASSIGNED ADMINISTRATOR

The Operations Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans (e.g., natural disasters)
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the BSCC as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety, and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

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900.12 TRAINING

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

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Separation of incarcerated persons
- (d) Emergency procedures and planning, fire safety, and life safety
- (e) Suicide prevention
- (f) De-escalation
- (g) Juvenile procedures
- (h) Racial bias
- (i) Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Training Sergeant shall maintain records of all such training in the member's training file.

900.13 POLICY REVIEW

This policy was reviewed by Captain Boberg 01/31/2023.

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Livermore Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Livermore Police Department facilities. Except in exigent circumstances, the search should be conducted by

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a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Livermore Police Department identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.5 STRIP SEARCHES

No individual in temporary custody at any Livermore Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Livermore Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Watch Commander.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex, and role of any person present during the search.
 - 7. The time and date of the search.

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8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Watch Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8 POLICY REVIEW

This policy was reviewed by Captain Boberg.

Prisoner Transportation

903.1 PURPOSE AND SCOPE

The purpose of this policy is to establish standards and procedure for the transportation of prisoners. Portions of this topic may be contained in other sections of this manual.

903.2 SEARCHING PRISONERS/DETAINEES

Officers who arrest or detain individuals must control the situation with the tools provided within the law. Officers must stay well versed on the current status of the search of persons and act within the law.

- (a) Prior to detaining or transporting any individual in a police vehicle, officers shall conduct an appropriate search of that individual for contraband or weapons. (See Pat Down Search §902.3 of this policy manual)
- (b) Each time a prisoner comes into the transporting officer's custody, including transfers from one patrol unit to another, the receiving transport officer must search the prisoner prior to placing them into the patrol vehicle.

903.2.1 SEARCH OF TRANSPORT VEHICLE

Officers involved in prisoner transportation must develop a routine of searching the patrol or transport vehicle to assure that prisoners do not have access to weapons or contraband. In addition, a strict routine creates the ability of an officer to associate a found item of contraband or weapon to a specific prisoner. Minimally, officers shall:

- Search the prisoner area of his or her vehicle at the beginning of each shift and following the transport of anyone, including a prisoner.
- Officers engaged in prisoner transportation shall search the transport vehicle prior to loading the prisoner and search again following the removal of prisoners.

Weapons, contraband, or personal property found in the prisoner compartment of a vehicle shall be booked into evidence and the appropriate reports shall be completed.

Officers involved in the special or long-distance prisoner transportation should inspect the vehicle before use to assure it is safe and appropriately equipped for the long-distance transportation.

903.3 PROCEDURES, TRANSPORTING BY VEHICLE

Officers should ensure the prisoner is as comfortable as practical, given the length of the trip being made, and yet secure the prisoner to the maximum degree, under the circumstances.

Officers shall handcuff and secure in the rear passenger compartment, all prisoners whom they transport in a patrol vehicle that has a security screen, unless extraordinary circumstances are such that handcuffing is clearly not practical.

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Two officers should be used for transporting prisoners in vehicles without a security screen. The prisoner should be seated in the rear passenger side seat. The non-driving officer should sit in the rear driver side seat.

Only under special circumstances should a prisoner be transported by a solo officer in a vehicle without a security screen. When a solo officer transports a prisoner in a vehicle without a screen, the prisoner should be seated in the front passenger seat. A supervisor shall be notified prior to a solo officer transporting a prisoner in such a circumstance.

Physically resistive or multiple prisoners should only be transported in vehicles equipped with a screen. Officers shall seatbelt all prisoners regardless of their position in the patrol vehicle, unless circumstances are such that seat-belted is clearly not practical.

903.3.1 CONTROL OF PRISONERS DURING TRANSPORT

When transporting a prisoner(s), officers should have visual contact with them. Transporting officers shall not deviate from their route during the transportation of a prisoner, unless an emergency arises. If an emergency does arise, the prisoner may be allowed to exit the vehicle only in extreme situations and then only under close supervision and security. The transporting officer must use only facilities that he/she feels are safe, secure, and under constant visual observation. Officers must take care to allow the prisoners reasonable opportunities to use toilet facilities prior to transport. Normally, the need for toilet facilities is not necessary during transport from the point of arrest to the booking point. The need for toilet facilities shall not constitute an emergency as described in this section. However, an urgent situation arising during a prisoner transport shall be assessed by the transporting officer, who, depending upon the circumstances and length of the transport, may elect to deviate or stop for toilet facilities.

During long distance prisoner transportation, if a meal is necessary, the dining location is to be chosen randomly. Under normal circumstances, officers should not take prisoners into public restaurants. When practical, officers should take the prisoner to another detention center to obtain a meal. When the use of a public restaurant is absolutely necessary, the transporting officer must never tell the location to anyone other than those having direct involvement with the prisoner transfer. Officers should use drive through restaurants whenever possible.

The primary duty of the transporting officer is the safe delivery of the prisoner in his/her care, and to protect the prisoner from injury and escape opportunities. Only where the risk to a third party is clear and grave, and there is no risk to the prisoner, may the officer stop to render emergency assistance or engage in any law enforcement activity.

Officers transporting prisoners should never participate in a pursuit, roadblock, or other situations that might create a risk of harm to his/her prisoner.

903.3.2 PRISONER COMMUNICATION DURING TRANSPORT

Security of the transportation function requires that a prisoner not exercise the right to communicate with his/her attorney, clergy, family, and/or others during transportation. Except as

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provided by law, a prisoner shall not be allowed to make any phone calls or communicate with the outside while awaiting transport.

In special circumstances, the on-duty Watch Commander can approve an exception to this policy. If an exception is made, the transporting officer is responsible for monitoring the communication.

903.3.3 TRANSPORTATION OF PRISONERS- RESPONSIBILITIES OF OFFICER

Whenever a prisoner is to be transported from the field or from one facility to another facility by a member of this department, the transporting officer shall be responsible for the following:

- (a) Verify the identity of each prisoner to be transported matches the booking paperwork.
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records (when appropriate), warrant copies, etc.
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threats or dangers are communicated to intake personnel at the facility.
- (d) Ensure all prisoners delivered to the facility are appropriately restrained until otherwise instructed by the receiving custody official.
- (e) Ensure all firearms and other weapons not allowed within the custody facility are appropriately secured before the prisoner is removed from the vehicle.
- (f) Obtain documentation confirming the transfer of custody (Booking Sheet).

903.3.4 ESCAPE OF PRISONER DURING TRANSPORT

If an escape occurs, the transporting officer must immediately advise the Livermore Police Dispatch center, and/or the nearest local authority of the following:

- (a) Officer's call sign
- (b) The location of the escape
- (c) The escapee's description
- (d) The charge the escapee was in custody on
- (e) Any known accomplice
- (f) Whether the escapee and/or accomplices are armed
- (g) Method of flight, including vehicle description
- (h) Direction of flight

If the escape occurs within radio range of a Alameda County Communications Center, the officer must request that the center contacted, notify applicable on-duty patrol units and/or law enforcement agencies, as well as the Livermore Police Dispatch Center. If the escape occurs beyond radio range of Alameda County, the officer must, as soon as practicable, request that the

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responding agency notify the Livermore Police Dispatch Center. The Livermore Police Dispatch Center must then notify the on-duty patrol personnel and supervisor. The initial law enforcement response to assist and search for an escaped prisoner should be coordinated by the supervising officer of the agency having jurisdiction over the location where the escape occurred, or is believed to have occurred. The transporting officer is responsible for any additional prisoners he/she is transporting. Therefore, in the event of an escape during transport, he/she should remain with the transport vehicle and any remaining prisoners. Extenuating circumstances may dictate a different course of action. Upon making the above notifications, and as soon as practicable, the officer should transport the remaining prisoners to their destination, or the nearest detention facility, as circumstances dictate. Officers must complete all necessary reports and procedures before reporting off duty. If the escape occurs during transport to County Jail on a fresh charge the officer may include the escape charges and information in the original crime report. If the prisoner is being transported pursuant to a warrant and an escape occurs, a new crime report will be necessary.

Officers must follow all Department policies and procedures applicable to the Use of Force regarding any attempt to prevent an escape or to recapture an escapee and the reporting of such an event. When the escape occurs in another area of jurisdiction, the authority of the transporting officer to take action in recovering the prisoner is dependent upon the powers officers have in that jurisdiction. Depending upon the State, these will include peace officer powers in the State, within a mutual aid area, or only within the specific jurisdiction from which the officer comes.

903.3.5 USE OF RESTRAINTS

Generally, any prisoner should be appropriately restrained to lessen the chance of escape or assault on others. When transporting prisoners for an extended distance or period of time, the officer should consider leg restraints and belly chains as a form of restraint.

903.4 SPECIAL TRANSPORT SITUATIONS

903.4.1 TRANSPORTING PRISONERS WITH ILLNESS OR DISABILITY

Personnel must take any prisoner who receives an injury during an arrest situation or while in custody, to a local hospital for treatment and obtain a medical release prior to transporting the prisoner to a detention facility.

In the event a prisoner requires emergency medical assistance during transportation, the transporting officer shall take appropriate actions to provide medical assistance as necessary and practicable. This may include emergency medical assistance being summoned to the prisoner's location, or deviation to an emergency medical facility. When practicable, officers should make every effort to ensure medical aid is rendered inside a secured custody facility or area.

Prior to transporting, officers shall take into consideration a prisoner's mental or physical disabilities when selecting a transport vehicle, restraint devices and seating position. Non-ambulatory prisoners or those requiring wheelchairs, crutches, or prosthetic appliances may not require the use of restraining devices in all instances. However, personnel must take every precaution to ensure the safety of employees and the prisoner.

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During transportation, a sick or injured prisoner should wear handcuffs or other appropriate restraints as practicable, unless the handcuffs or other restraint could further compound the injuries. When this is the case, the officer shall notify an on-duty supervisor who may assign an additional officer to assist with the transportation, or take other/additional security precautions.

The transporting officer must return copies of all hospital paperwork, with attending physicians'/ nurse's signatures, to the jail with the prisoner.

903.4.2 SECURITY OF PRISONERS AT MEDICAL FACILITIES

When taking a prisoner to a local hospital for any reason, officers must ensure that the prisoner does not have access to other patients and that he/she is always under the control of the transporting officer.

If the prisoner requires admission to the hospital, the transporting employee must notify the on-duty supervisor of the circumstances.

The transporting officer should remove the prisoner's restraints only when it is absolutely necessary and the medical staff requests it.

Officers must not allow visitors, including telephone contacts to or by the prisoner.

Officers must attach a copy of the medical release form to the arrest report. Prior to re-initiating transportation, officers shall search the prisoner and, if necessary, reapply restraints.

903.4.3 SPECIAL TRANSPORT SITUATIONS

The unusual circumstances surrounding situations such as funerals and visits to hospitals provide extraordinary opportunities to a prisoner for personal contact, escape, or infliction of injury on himself or others. Normally these special transport details are provided by the Alameda County Sheriff's Department (ACSO). Employees may conduct special details of this nature only upon an order of the court, special request from ACSO, or when a medical emergency demands the immediate care of the prisoner.

The prisoner must always wear handcuffs unless the court order directs otherwise. If the transporting officer must remove the handcuffs, they must do so with all necessary precautions and only during the times the court order specifies. In most cases, supervisors should assign at least two employees to these details. In some extreme cases, leg restraints may be necessary. However, employees should obtain supervisory approval prior to using leg restraints. Employees must not allow prisoners to have unsupervised contact with anyone during these details.

903.5 POLICY REVIEW

This policy was reviewed by Captain Sarsfield on 08/20/19

Prison Rape Elimination

904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against individuals in custody in the Livermore Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

904.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the individual in custody:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of the staff member's uncovered genitalia, buttocks, or breast in the presence of an individual in custody
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

904.2 POLICY

The Livermore Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Livermore Police Department will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

904.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards in the Livermore Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment, or retaliation.
- (h) Publishing on the department's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
 - 2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).
 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house individuals in custody overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
- (l) Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

904.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the department zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

904.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from individuals in custody and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against individuals in custody or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

904.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

904.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects, and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect, or witness on an individual basis and not by the person's status as a detainee or a member of the Livermore Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

904.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether

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the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

904.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or the City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor or volunteer.

904.6 RETALIATION PROHIBITED

All individuals in custody and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse and of those who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic status checks.

904.7 REVIEWS AND AUDITS

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904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

904.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the Department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be

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redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Livermore Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

904.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

904.9 TRAINING

All department members and contractors who may have contact with individuals in custody shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
- The right of individuals in custody and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all individuals in custody.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current department members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

904.10 POLICY REVIEW

This policy was reviewed by Captain Boberg on 01/31/2023.

Chapter 10 - Personnel

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 Livermore Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 TESTING, INTERVIEWING AND SCREENING

Personnel involved in the testing, interviewing, and screening processes for peace officers and public safety dispatchers should utilize the standards for such processes developed and approved by California P.O.S.T. Personnel assigned or contracted to conduct background investigations for peace officers and public safety dispatchers shall have successfully completed a P.O.S.T. approved background investigations course.

Positions other than peace officer or public safety dispatcher should use the testing, interviewing and screening processes developed and maintained by the City of Livermore Human Resources Division.

The cost of preemployment testing and screening for all candidates is borne by the City. In addition, the City will pay for any fitness for duty examinations required for continued employment or as required by law.

1000.2.1 DECEPTION DETECTION

For a position in which a deception detection device is used, information gained from such device should not be used as the single determination for selection criteria, but should be used to weigh against other information or warrant further investigation.

1000.3 POLICY

In accordance with applicable federal, state, and local law, the Livermore Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.4 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.

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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.

1000.5 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department 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)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

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- (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

1000.5.1 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).

1000.6 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 Livermore 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).

1000.6.1 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).

1000.6.2 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).

1000.6.3 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.

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- (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.

1000.6.4 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).

1000.6.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.6.6 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 Livermore Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.7 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

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1000.8 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.8.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident eligible for and has applied for citizenship
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) 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)
- (i) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (j) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

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In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.8.2 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)

1000.9 PROBATIONARY PERIODS

The Administrative Services Division Commander should coordinate with the Livermore Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

1000.10 POLICY REVIEW

This policy was reviewed by Captain Sarsfield

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Livermore Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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Evaluation of Employees

1002.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy.

1002.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees.

Upon completion of the Field Training Program, all sworn probationary employees will be evaluated monthly by their immediate supervisor during their probationary period.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1002.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

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Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City and Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

- (a) That the employee understands the harassment and discrimination policies.
- (b) Whether any questions the employee has have been sufficiently addressed.
- (c) That the employee knows how and where to report harassment policy violations.
- (d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

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1002.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

1002.9 POLICY REVIEW

This policy was reviewed by Captain Sarsfield.

Promotional and Special Assignment Policy

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Livermore Police Department.

1004.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and special assignment:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to organizational goals and objectives in a positive manner.

1004.2 NON-SUPERVISORY SELECTION PROCESS

The following positions are considered special assignments and are not considered promotions:

- (a) Criminal Investigation Bureau Supervisor
- (b) Detective
- (c) School Resources Officer
- (d) Traffic Unit Supervisor
- (e) Motor Officer
- (f) Accident Investigator
- (g) Field Training Unit Supervisor
- (h) Field Training Officer
- (i) Special Operations Unit Supervisor
- (j) Special Operations Unit Officer
- (k) K9 Unit Supervisor
- (l) K9 Officer

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- (m) Training Sergeant
- (n)
- (o)
- (p)
- (q) Professional Standards Sergeant
- (r) Tactical Team Members
- (s)
- (t)

1004.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for special assignments:

- (a) Three years experience
- (b) Off probation
- (c) Has shown an expressed interest in the position applied for
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by POST or law

1004.3 SELECTION PROCESS

The following criteria apply to special assignments.

- (a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.
- (b) The supervisor recommendations will be submitted to the Captain for whom the candidate will work. The Captain will schedule interviews with each candidate.
- (c) Based on supervisor recommendations and those of the Captain after the interview, the Captain will submit his/her recommendation(s) to the Chief of Police.
- (d) Appointment by the Chief of Police

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1004.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the City of Livermore Human Resources Division.

1004.5 POLICY REVIEW

This policy was reviewed by Captain Matt Sarsfield on 08/20/2019

Grievance Procedure

1006.1 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.

1006.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- City rules & regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of 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 Policy Manual § 328, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in Policy Manual §1020.

1006.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Captain of the affected division or bureau.
- (c) If a successful resolution is not found with the Captain, the employee may request a meeting with the Chief of Police.
- (d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:

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1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:
 - (a) The basis for the grievance (i.e., what are the facts of the case?).
 - (b) Allegation of the specific wrongful act and the harm done.
 - (c) The specific policies, rules or regulations that were violated.
 - (d) What remedy or goal is being sought by this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Chief of Police will receive the grievance in writing. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Manager is considered final.

1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Support for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

1006.5 GRIEVANCE AUDITS

The Professional Standards Unit Sergeant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Professional Standards Unit Sergeant shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Professional Standards Unit Sergeant should promptly notify the Chief of Police.

Section Added: May 1, 2010

Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1010.2 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.

1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

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.

1010.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

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Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1010.5.1 NOTIFICATION REQUIREMENTS

The Administrative Services Supervisor shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administrative Services Supervisor shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

1010.6 POLICY REVIEW

This policy was reviewed by Captain Boberg.

Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on City property or at any other time.

1012.2.2 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a department-owned or department-leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

Section Revised: May 1, 2011

1012.3 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).

1012.3.1 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

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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.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 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 Department of Human Resources, 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.

1012.5.1 ADDITIONAL SCREENING TESTS FOR OFFICERS

The Department may request an employee to submit to a screening test if the employee:

- (a) Is a law enforcement officer and, during the performance of his/her duties, discharges a firearm other than by accident.
- (b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

Section Added: March 1, 2012

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1012.5.2 SCREENING TEST REFUSAL

An employee is subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

Section Added: March 1, 2012

1012.6 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.

1012.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

1012.7.1 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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1012.7.2 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 in provisions of this policy.

1012.8 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).

1012.9 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.

Sick Leave

1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1014.2 POLICY

It is the policy of the Livermore Police Department to provide eligible employees with a sick leave benefit.

1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1014.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1014.4 EXTENDED ABSENCE

At the discretion of the employee's unit supervisor, a physician's certificate or personal affidavit may be required for any period of absence for which sick leave is claimed; however, when absence is for more than three (3) consecutive work days, the employee shall file a physician's certificate or a personal affidavit with the Chief of Police or Director of Personnel with the expected return to work date.

1014.5 REQUIRED NOTICES

The Director of Administrative Services shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1014.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1014.7 POLICY REVIEW

This policy was reviewed by Captain Young on 07/06/17

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1016.1.1 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 Livermore Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The Livermore Police Department is committed to providing a safe work environment for its members by implementing ECPs to minimize the risk of disease transmission with a specific emphasis on bloodborne and aerosol transmissible infectious diseases resulting from work exposures.. Members should be aware that they are ultimately responsible for their own health and safety and are responsible for following established policies and procedures..

1016.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:

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1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):
 - (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1016.4 ARRESTEE WITH A POSSIBLE COMMUNICABLE DISEASE

Upon the arrest of a suspect that has or may have a communicable disease, officers may place a protective mask on the suspect. The mask will be kept in its sealed plastic wrapper until used. Below are some criteria officer should use when determining if the suspect may have a communicable disease:

- The suspect is flagged “Universal Precaution” in RIMS
- The suspect informs the officer that they have a communicable disease
- The suspect presents symptoms consistent with a cold, flu, or other disease
- The hospital informs the officer the suspect has a communicable disease
- At the order of the Alameda County Health Department.

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- During a pandemic

Once the officer determines that the suspect meets the criteria to wear a protective mask, the officer will do the following:

- Inform the suspect they will be placed in a protective mask and explain the reason
- Place mask on suspect and ensure proper fit
- Monitor suspect while wearing the mask to ensure mask stays in position and does not become a hazard
- Once done with the contact, safely remove and dispose of mask in a biohazard container. Do not reuse masks.
- Officer should not force suspects to wear the protective masks, unless the suspect poses a hazard such as spitting on/at the officer.
- Officer will document in the police report that the suspect was placed in a protective mask and why

Officer may want to wear their protective mask during the contact and transport of the suspect.

Section Added: April 1, 2020

1016.5 EXPOSURE PREVENTION AND MITIGATION

1016.5.1 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.

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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.
- (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.

1016.5.2 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).

1016.6 POST EXPOSURE

1016.6.1 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.

1016.6.2 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.

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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).

1016.6.3 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.

1016.6.4 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).

1016.6.5 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).

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Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1016.7 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.

1016.8 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.

1016.9 POLICY REVIEW

This policy was reviewed by Captain Young on 04/01/20.

Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Livermore Police Department facilities or vehicles.

Section Revised: March 1, 2012

1018.2 POLICY

The Livermore Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Livermore Police Department to prohibit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department. If an employee is on break in an authorized tobacco use area and/or out of view of the public (while in uniform), the use of tobacco is not prohibited.

Section Revised: March 1, 2012

1018.3 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and the use of other tobacco products is not permitted inside any City facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1018.4 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.).

Section Added: March 1, 2012

Personnel Complaints

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Livermore Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1020.2 POLICY

The Livermore Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule; and, cannot be resolved informally by a supervisor to the complainant's satisfaction. Personnel complaints are formally investigated and receive a disposition. Personnel complaints may be generated internally or by the public.

In the below circumstances, a personnel complaint shall be formally investigated:

- (a) The complaining party is not satisfied with the resolution after speaking with a supervisor and requests a formal investigation.
- (b) Commission of a crime by department personnel.
- (c) Excessive use of force.
- (d) Use of illegal drugs.
- (e) Dishonesty.
- (f) Sexual harassment.
- (g) Discrimination.

1020.3.1 PERSONNEL INQUIRIES

Personnel inquiries differ from complaints in that if the allegations are minor in nature; and, the issue can be resolved by a supervisor to the complainant's satisfaction, no formal investigation will take place and no further documentation is required.

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If the supervisor or other department personnel handling an inquiry determines it necessary to retain documentation of the issue, the supervisor will document the issue which will be reviewed and initialed by the employee and maintained temporarily in the supervisor's working file. The documentation will be removed from the supervisor's working file upon completion of the employee's next written evaluation.

An inquiry should be limited to issues involving:

- (a) Perceived discourteousness by department personnel.
- (b) Public member's lack of understanding regarding agency procedures, laws, etc.
- (c) Minor infractions of department regulations.
- (d) Minor misconduct.
- (e) Differences of opinion between a member of the public and employee relative to enforcement action or omission.

1020.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that meets the above criteria and, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms will be available on the City Of Livermore Police Department's webpage.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If

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a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

1020.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1020.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1020.5 DOCUMENTATION

Supervisors shall ensure that all formal complaints are documented.

(a) When receiving a personnel complaint, the supervisor should:

- 1) Attempt to screen the complaint to confirm department personnel are involved.
- 2) Ensure that the nature of the complaint is defined as clearly as possible.
- 3) Obtain an audio or video recorded statement from the complainant.
- 4) Take photographs of injuries or damaged property, if applicable.
- 5) Explain the administrative investigation process to the complainant.
- 6) Provide a copy of the Personnel Complaint Form to the complainant. (as required by 832.7 (a) PC)

(b) After accepting the complaint, the supervisor shall:

- 1) Obtain related documentation (i.e.: police reports, use of force memo's, etc.)
- 2) Complete memo summarizing the incident and complainant's statement.
- 3) Forward the case to the Professional Standards Unit
 - a. If the supervisor is not able to complete his/her initial investigation prior to the end of their shift, the Supervisor shall notify the Professional Standards Unit Supervisor via email of the receipt of a new complaint.

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1020.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct that result in a personnel complaint will be administratively investigated as follows.

1020.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a memo is completed..
 - (a) The original complaint form will be directed to the Professional Standards Unit, via the chain of command.
 - (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

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2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (h) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Livermore Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy

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of that recorded interview shall be provided to the member prior to any subsequent interview.

- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1020.6.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.6.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within 60 days of assignment; however, when reasonable grounds exist, the Chief of Police may extend this period an additional 30 days. In unusual or complex cases, more than one extension may be

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granted. In all cases, administrative investigations must be completed one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

The assigned investigator or supervisor shall ensure that within 30 days of the final disposition of the complaint, the complainant is provided written notification of the disposition (Penal Code § 832.7(e)).

1020.6.5 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Important Dates - Include the date of the actual incident, the date the incident was reported, and the date the incident was received by the investigator.

Involved Parties - Include the complainant, any involved personnel, and any witnesses.

Summary of Complaint- Provide a brief summary of the facts giving rise to the investigation.

Applicable Authorities - List all applicable laws and/or policy sections relevant for each allegation..

Persons Contacted - Provide the names, addresses, and phone numbers of all persons contacted as part of the investigation.

Interview Summary -Provide comprehensive summaries of member and witness statements.

Investigative Summary-Restate the important facts in the case and any relevant evidence relevant to each allegation.

Recommendation-All investigations should be sent to the Division Commander for review and disposition.

1020.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1020.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

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1020.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1020.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1020.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The Livermore Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1020.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and

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include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1020.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander, or his/her designee, shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander, or his/her designee, shall make recommendations regarding the appropriate disposition of any/all allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1020.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify

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the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1020.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1020.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1020.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1020.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

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In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1020.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1020.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1020.16 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 1. Complaints, charges, or allegations of misconduct
 2. Findings of civilian review boards
 3. Final dispositions of any investigations

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4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Livermore Police Department based on allegations of conduct by an officer

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

1020.17 POLICY REVIEW

This Policy was reviewed by Captain Boberg

Early Identification and Intervention Program (EIIP)

1021.1 POLICY

It is the policy of the department to promote excellence by providing resources and tools to supervisors in assisting employees who are experiencing personal or professional issues which may affect their performance on the job. The Early Identification and Intervention Program (EIIP) is committed to promoting employee success through non-disciplinary methods.

1021.1.1 PURPOSE AND SCOPE

The Department's Early Identification and Intervention Program (EIIP) is a proactive, non-disciplinary program designed to identify and positively influence conduct or performance related problems exhibited by individual employees. By applying professionally accepted intervention strategies at an early stage, it is intended that the value of each employee be recognized by providing guidance/coaching, counseling, training, professional referral, or any other recognized methods to correct conduct inconsistent with organizational values, mission or policy. The EIIP is intended to be a positive approach for supervisors and managers to address behavior before it results in discipline, lawsuits, injuries or other negative consequences.

Establishment and activation of an Early Identification and Intervention Program does not necessitate that the Department use this method prior to disciplinary proceedings for any particular event.

1021.2 RESPONSIBILITIES

Under the authority of the Chief of Police, the Professional Standards Unit is responsible for maintaining and administering the Early Identification and Intervention Program. At least once annually, the Professional Standards Unit will conduct an audit of the Early Identification and Intervention Program. The information contained in the EIIP will be for internal department use only.

Line level supervisors are responsible for monitoring the dashboard of employees that they supervise. If an alert is generated, the line level supervisor is responsible to ensure the Early Identification and Intervention Process is followed.

1021.3 EARLY IDENTIFICATION COMPONENT

Early identification relies on consistent and timely data which is entered into a confidential database. The information is transformed into numerical values on a "dashboard" in a web-based program. Only the employee, the employee's supervisor, the employee's chain of command, and the Professional Standards Unit will have access to the employee's "dashboard." When an employee surpasses a threshold, a flag is generated and the EIIP process is initiated.

Performance indicators and "thresholds" have been established by an evaluation of industry standards. Performance indicators originate from official department reports. It should be

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emphasized EIIP is a non-disciplinary tool which identifies incidents and/or patterns which could or may result in diminished work performance. The EIIP "dashboard" should only be a navigational system for a supervisor; great emphasis should be placed on human interaction between the supervisor and the employee to determine if and how an employee may receive assistance.

The EIIP dashboard consists of three colors which represent the employee's status within the EIIP system: green indicates that there are no identified issues; yellow indicates that the employee is one incident away from reaching an identified threshold; and red indicates that the employee has reached or surpassed an identified threshold. Red is the only flag which requires intervention by the supervisor. Alerts within the EIIP are cleared on a rolling one year basis.

Exonerated and unfounded complaints are included as performance indicators as EIIP focuses on incidents which may cause the employee stress and result in diminished work performance.

1021.4 EARLY INTERVENTION REVIEW AND PARTICIPATION

Early intervention by the employee's Lieutenant is the key component of EIIP. Lieutenants will review their employee's "dashboard" and address red flags within a two week period as set forth below. Lieutenants are encouraged to engage in "intervention" before the employee surpasses a threshold by reviewing the dashboard more often, professionally interacting with their employees, and reviewing an employee's work performance.

Participation by the employee is generally voluntary when a Professional Intervention is implemented, however, may become mandatory, based on the circumstances. If employees refuse to participate when participation is not mandatory, a notation will be made in the EIIP Program routing by the first line supervisor and no disciplinary action will be taken based on a refusal. If subsequent related incidents occur which require internal investigations, the fact that a supervisor made efforts to intervene on earlier occasions may be introduced during the adjudication process.

Due to confidentiality, EIIP will not be mentioned in performance evaluations. Rather, documentation will be based on the diminished performance rather than discussion of flags generated within EIIP.

1021.5 EARLY IDENTIFICATION AND INTERVENTION

The Livermore Police Department has established "thresholds" to determine possible training needs of employees. The system is designed to be confidential with controlled access at both the administrative and application levels. The components of the E.I.I.P. include:

- (a) Performance Indicators;
- (b) Identification and Selection;
- (c) Intervention
- (d) Follow-up Monitoring.

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1021.6 PERFORMANCE INDICATORS

Performance Indicators represent the category of employee performance activity that the Livermore Police Department has selected to monitor. Incidents used as indicators may include but are not limited to:

- Use Of Force (Less Lethal and Deadly Force)
- Vehicle Pursuits
-
- Commendations, Compliments and Awards (Citizen and Department)
-
- Internal Affairs Investigations
- Firearm Discharges
-
-
- On-duty Vehicle Collisions
-
-
-

1021.7 IDENTIFICATION AND SELECTION

For most Performance Indicators, the threshold is five (6) incidents in a twelve month period. However the Department reserves the right to change the threshold level for each indicator based on Department discretion and averages. When a Department recognized and identified threshold is met it will result in an alert in the Early Identification and Intervention Program software. In such a case, the Professional Standards Unit will advise the affected employee's Division Commander, Lieutenant and supervisor. This group will conduct a careful evaluation of any related documentation to determine if the employee's performance is problematic and requires intervention. A non-disciplinary interview with the employee may also be conducted by the employee's Lieutenant. After a review, it may be determined that an intervention is not appropriate as the behavior did not require such. In either case, the Chief of Police will be made aware of the end disposition. This notification will be completed by the employee's Lieutenant through the appropriate chain of command.

1021.8 INTERVENTION

If intervention is determined to be the course of action, the employee's Lieutenant will be responsible for developing an intervention plan. The plan will include specific examples of what performance requires an intervention as well as the performance expectations. The plan will also identify the activities, support systems, and resources that will be provided to assist the employee. The Lieutenant will consult with the employee to obtain their input when developing the

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intervention plan. The Lieutenant and Division Commander will determine the amount of time that the intervention plan will be in place. The Lieutenant will provide the Division Commander with monthly updates on the employee's performance. Intervention may include but is not limited to training, counseling, departmental changes or voluntary reassignments. Training options include, but are not limited to:

- Defensive Tactics
- Legal Updates
- Report writing
- Anger Management
- Cultural Diversity
- Tactical Communication
- Driver/Pursuit Training
- Physical Fitness Training
- Field Training Program Recertification for Probationary Employees

Counseling options include, but are not limited to:

- Supervisor Coaching or Counseling
- Peer Counseling
- EAP referral
- Referral to Human Resources for additional resources
- Stress Reduction Training
- Critical Incident Stress Management
- Fitness for Duty

Departmental change options include, but are not limited to:

- Review/modify Training
- Review/modify Policy
- Equipment Purchase

Voluntary reassignment options include, but are not limited to:

- Temporary Voluntary Reassignment
- Voluntary Alternate Shift Reassignment

1021.9 POST INTERVENTION MONITORING

Once the intervention plan has been completed, the Lieutenant and Division Commander will review the employee's performance on a quarterly basis to ensure that the plan has been

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successful. As a guide, this quarterly review should last for a twelve month period, but may be more or less depending upon the circumstances.

1021.10 RETENTION AND PURGING

Except as incorporated in separate training and disciplinary records, all Early Identification and Intervention Program alerts shall be purged from the EIIP program, and all other locations within the department, one year from the date generated.

1021.11 NOTIFICATION TO EMPLOYEE

The EIIP is not a component of discipline. However, to comply with The Peace Officer's Bill of Rights §§3305 and 3306, any entry into the system that could be considered adverse to the employee's interest, requires written notification to the employee. The employee shall be given the opportunity to read the entry and sign it prior to the entry being sent through the chain of command.

If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

The employee will have the opportunity to reply in writing to the adverse comment entered into the EIIP system if the officer so chooses. The employee shall have 30 days to complete the response from the date the officer is notified. The written reply shall be attached to and retained with the entry when it is submitted. All written replies should be submitted to the supervisor who made the initial entry.

1021.12 POLICY REVIEW

This policy was reviewed by Sergeant Goard on 08/13/19

Seat Belts

1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1022.2 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.

1022.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1022.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1022.5 POLICY

It is the policy of the Livermore Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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1022.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1022.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

1022.9 POLICY REVIEW

This policy was reviewed by Operations Captain Julie Cochran 01/25/2023

Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

Section Revised: September 1, 2011

1024.2 POLICY

It is the policy of the Livermore 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.

Section Revised: September 1, 2011

1024.3 ISSUANCE OF BODY ARMOR

The Administrative Services supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Livermore Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

Section Revised: September 1, 2011

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Body Armor

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1024.3.3 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.

1024.4 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.

Personnel Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 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).

1026.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
 - (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1026.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1026.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1026.7 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.

1026.8 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.

1026.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

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The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1026.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1026.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1026.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1026.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

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- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1026.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1026.11 POLICY REVIEW

This policy was reviewed by Captain Boberg.

Request for Change of Assignment

1028.1 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.

1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Livermore Police personnel wishing a change of assignment are to complete a memorandum expressing Interest. The memorandum should then be forwarded through the chain of command to their Division Commander.

1028.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Captain of the employee involved. In the case of patrol officers, the Watch Commander must comment on the request with his/her recommendation before forwarding the request to the Captain. If the Watch Commander does not receive the Change of Assignment Request Form, the Captain will initial the form and return it to the employee without consideration.

1028.4 LIMITATIONS

Transfers may only be granted in following cases:

- (a) If such transfer is allowed by the Memorandum of Understanding
- (b) If it does not create a grievable action by another employee
- (c) If such a transfer would serve the needs of the Department

The Divisions Commander shall make the determination regarding the above limitations.

Section Added: May 1, 2010

Employee Awards and Special Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 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. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

Incident Specific Awards must be written, and employees nominated, by a ranking supervisor.

Section Revised: May 1, 2010

1030.3 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
- Saving, or attempting to save the life of another

Section Revised: May 1, 2010

1030.3.1 EMPLOYEE COMMENDATION REPORT (INTER-DEPARTMENTAL MEMO)

The Employee Commendation Report 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 reports shall be forwarded to the appropriate Division Commander for his/her review. The Division Commander shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the Administrative Assistant for entry into the employee's personnel file.

Section Revised: May 1, 2010

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1030.3.2 COMMENDABLE ACTIONS CITIZENS/CIVILIANS (NON-EMPLOYEE)

This award may be given to any citizen or civilian, for recognition, who placed themselves in danger to assist members of the Livermore Police Department. This may include apprehension of a suspect, or the taking of some other action which resulted in the successful outcome to a high risk incident.

- (a) Assisting an officer fighting a suspect
- (b) Detaining a suspect for a significant criminal act
- (c) Saving, or attempting to save the life of another person

Section Added: May 1, 2010

1030.3.3 NOTIFICATION OF CIVILIAN COMMENDABLE ACTIONS

A commendable action meeting the specified criteria should be documented in memo format and routed through the appropriate chain of command. Employees submitting this memo should attach applicable police reports and/or other documentation specific to the incident.

Section Added: May 1, 2010

1030.4 INCIDENT SPECIFIC AWARDS

Incident Specific Awards will be awarded to employee's for singular actions which meet the criteria specified. These awards should be given in a timely fashion. Employees receiving these awards will receive special recognition at the annual employee award ceremony. Award ribbon shall be worn on Class A and Class B uniforms dependant on the uniform of the day.

BLUE CROSS

Award is incident specific and should be awarded to a sworn officer who is injured during a critical incident while in the performance of his/her duties.

This award will not apply to those who are injured as a result of poor officer safety or violation of policy.

Examples of injuries warranting this award:

- Broken Bones
- Knife Wound
- Gunshot
- Severe Truama

DISTINGUISHED SERVICE MEDAL

Award may be given to sworn or non-sworn employee, for recognition, who shows exemplary performance over a six to twelve month evaluation period.

Examples:

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- Going above and beyond to solve a community problem
- Leading a watch in multiple areas of activity
- Working on a long term Managed Activities Policing (MAP) project which has successful results

LIFESAVING AWARD

Award may be given to any sworn or non-sworn employee, for recognition, who saves the life of another person through resuscitative assistance, or other first aid measures.

Examples:

- Giving CPR and successfully reviving a person who had no pulse
- Utilizing the AED to successfully revive a person who had no pulse
- Rescuing, or providing first aid, to any person, when it's likely that person's injuries would have resulted in death without intervention

MEDAL OF HONOR

Award may be given to any sworn officer, for recognition, who when faced with a life threatening situation, made good decisions and took proper action while placing him/herself in harm's way.

Examples:

- The rescue or attempted rescue of a victim from a burning building
- The rescue of a person from a life threatening situation
- Overcoming a confrontation with an armed suspect

MEDAL OF VALOR

Award may be given to any sworn officer, for recognition, who when faced with a life threatening situation, made good decisions and took proper actions while taking an enormous risk, placing him/herself in harm's way.

Examples:

- Using heroic measures to try and protect the life of another person or apprehend a violent criminal
- Confrontation with an armed suspect where force was used
- The rescue of a downed officer or suspect from a hot zone
- The rescue of a victim from a building/vehicle (increased risk)

CITIZEN AWARD FOR VALOR

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Award may be given to any citizen or civilian, for recognition, who placed themselves in danger to assist police department employees in the apprehension of a suspect or took some other action which resulted in the successful outcome to a high risk incident.

Examples:

- Assisting an officer fighting a suspect
- Detaining a suspect for a criminal act

Section Added: May 1, 2010

1030.4.1 OTHER INCIDENT SPECIFIC AWARDS

These awards are given based on excellent performance which does not meet the criteria for the above listed awards.

LETTER OF RECOGNITION

Recognition may be given to any sworn or civilian employee for excellence in performance. Recognition may be initiated by any supervisor, or manager.

Examples:

- Exceptional arrest, report, investigation
- Exemplary handling of a call by non-sworn personnel or an officer
- Exemplary work which is above average
- In accompaniment of a citizen letter of praise or recognition

Recognition should be documented in the Early Identification and Intervention program (Blue Team). Employees who reach the threshold of five letters of recognition within a one year period will be considered for a department commendation award.

CAPTAIN'S COMMENDATION

Award may be given to any sworn or civilian employee for excellence in performance. Award may be initiated by Department Management.

Examples:

- Exceptional arrest, report, investigation
- Exemplary handling of a call by non-sworn personnel or an officer
- Exemplary work which is above average
- In accompaniment of a citizen letter of praise or recognition

CHIEF'S COMMENDATION

Award may be given to any sworn or civilian employee for excellence in performance. Award may be initiated by Command Staff.

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Examples:

- Exceptional arrest, report, investigation
- Exemplary handling of a call by non-sworn personnel or an officer
- Exemplary work which is above average
- In accompaniment of a citizen letter of praise or recognition

SPECIAL ACHIEVEMENTS

SAFE DRIVING PIN

A uniform pin for each five years of collision free driving shall be awarded to each sworn member and Community Service Specialist. All persons qualifying for the recognition will receive the award during the annual employee recognition ceremony. The Safe driving pin will be awarded by the Chief of Police.

MARKSMAN AWARD

A marksman award shall be presented to each sworn officer or Reserve Officer who meets and maintains the eligibility requirements. To qualify for a marksman award, the shooter must qualify for this award during a "special" non-standard qualification course. The non-standard qualification course will be held concurrently with normally scheduled range days. The marksman award special course shall be established and maintained by the Force Options Unit.

Once awarded, the employee shall be eligible to wear the marksman award for one year after the date of the qualifying attempt. Employees who fail to maintain a qualifying score in their level of award, shall return the pin, or must wear the pin for the lower category of applicability. Nothing shall prohibit an employee from re-qualifying in the year prior to the expiration of their award.

AWARD

EXPERT- 95-99%

MASTER- 100%

SERVICE STRIPES (SWORN)

Sworn employees shall be awarded a service stripe for each 5 years of service. Stripes shall be worn in accordance with uniform policy specifications. All persons qualifying for the recognition will receive the award during the annual employee recognition ceremony. The Service Stripes will be awarded by the Chief of Police.

SERVICE PIN (NON-SWORN)

Non-Sworn employees shall be awarded a service pin for each 5 years of service. Pins shall be worn in accordance with uniform policy specifications. All persons qualifying for the recognition will receive the award during the annual employee recognition ceremony. The Service Pins will be awarded by the Chief of Police.

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Section Added: May 1, 2010

Section Revised: September 7, 2010

Section Revised: May 1, 2011

Section Revised: September 1, 2011

1030.4.2 SERVICE RECOGNITION RIBBON PROGRAM

Uniformed personnel to include Officers, Reserve Officers, Dispatchers, Crime Prevention Specialists, Crime Scene Technicians, Community Service Specialists, Records Clerks, and Animal Control Officers, shall be provided service ribbons for special and supplemental assignments as identified by the organization. Service recognition ribbons will be presented to the employees by the Chief of Police or their designee, during the annual employee awards ceremony.

Service ribbons will be required on Class A uniforms only in descending order from left to right, top to bottom, as outlines by the organization. These ribbons will be adjacent to the upper right breast pocket flap of the outer most garment with the employees name tag moved to the pocket flap below the upper seam. All other honors will be worn below the name tag.

Section Added: October 1, 2012.

1030.5 YEARLY AWARDS

Yearly Awards for both Sworn and Non-Sworn employees, shall be based on Outstanding performance over a period of time and not for any one event. The winners' of these awards shall have received at least one Quarterly Award (section 1030.6), or, at least one External Sponsored Award (section 1030.7), in any of the four quarters leading up to the Yearly Employee Award Ceremony.

OFFICER OF THE YEAR

Award is based generally on excellence and above average work performance. Quarterly and External Award winners names shall be compiled and submitted to the Management Team for review. The Management Team will consider the prior award documentation, and will compare this documentation against the other nominees. All Officers, and Sergeants are eligible to receive this award. There shall be nothing that prohibits someone from receiving this award in successive years.

LPD CIVILIAN EMPLOYEE OF THE YEAR

Award is based generally on excellence and above average work performance. Quarterly and External Award winners names shall be compiled and submitted to the Management Team for review. The Management Team will consider the prior award documentation, and will compare this documentation against the other nominees. All Civilian employees are eligible to receive this award. There shall be nothing that prohibits someone from receiving this award in successive years.

Section Added: May 1, 2010

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1030.6 QUARTERLY AWARDS

Quarterly Awards for both Sworn and Non-Sworn employees, shall be based on exceptional performance over a period of time and not for any one event. Employees shall be nominated by a supervisor or manager having functional supervision over the employee's unit. Quarterly Awards shall be awarded as follows:

SWORN

A-Team Patrol (1) Sworn employee each quarter

B-Team Patrol (1) Sworn employee each quarter

Traffic, CIB, Background, Property & Evidence, Training (1) Sworn employee each quarter to be chosen from one of these areas

NON-SWORN

(1) Non-Sworn employee each quarter to be chosen from one of the following areas: Dispatch, Records, Traffic, Property & Evidence, Division Clerk, Patrol, or any other Non-Sworn, Civilian position.

Section Added: May 1, 2010

1030.7 EXTERNAL SPONSORED AWARDS

Formal awards sponsored outside of the organization vary from year to year. Some awards are static and predictable. Others are specific to Sworn or Non-Sworn employees, or both. The department wishes to formalize the selection process.

When the department is notified of these awards, supervisors and managers shall be immediately notified via interdepartmental e-mail, and a deadline shall be established for submittals. Supervisors and Managers shall be encouraged to submit employee name(s) and supporting documentation outlining why the employee should receive the award. The Lieutenant's, Division Captains, Police Chief, and the nominating supervisors will review all of the documentation on each nominee, and the winner shall be selected.

City of Livermore Employee Recognition Awards shall not be considered part of this process.

Examples of these awards:

- Knights of Columbus
- Chamber of Commerce
- Alameda County Supervisor Law Enforcement Award
- Alameda County Dispatcher of the Year
- MADD
- Avoid the 21

Section Added: May 1, 2010

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1030.8 ANNUAL EMPLOYEE AWARD CEREMONY

The police department annual award ceremony will be held in the third quarter of each calendar year. Employees will be formally recognized for all awards received in the year prior to this ceremony. Additionally, this event will honor the Officer of the Year, and the LPD Civilian Employee of the Year.

Section Added: May 1, 2010

1030.9 WEARING OF DEPARTMENTAL AWARDS

Employees who have been awarded Pins, Medals, Marksmanship Awards, shall wear these items on Class A and B uniforms. Awards shall not be worn with 5-11 BDU uniform.

Refer LPD Uniform Policy 1046 for guidelines on wearing and placement of departmental awards.

Section Added: May 1, 2010

Fitness for Duty

1032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1032.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1032.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10(c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed.

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Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

Section Added: May 12, 2010

Section Revised: February 1, 2013

Critical Incident Stress Debriefing

1033.1 PURPOSE AND SCOPE

The Livermore Police Department recognizes the fact that there is a potential for employees who are exposed to stressful or traumatic incidents, to experience significant stress related symptoms that may adversely affect their personal well-being and ability to perform their assigned job function. Therefore, the purpose of this policy is to provide a support system for the employees, enabling them to better manage symptoms of stress resulting from a critical or traumatic incident. Decisions derived from this directive shall be done for the welfare of the employee.

1033.2 POLICY

It shall be the policy of the Livermore Police Department to provide appropriate levels of assistance to an employee or employees, regardless of rank and assignment, whenever said employee(s) are involved in a traumatic or critical incident as defined by this Order.

1033.3 PROCEDURE

1033.3.1 DEFINITIONS

A Critical Incident is defined as an event which has the potential for producing significant emotional trauma that may adversely affect the psychological well-being of personnel. Examples include, but are not limited to:

- Officer involved shootings
- Officer death or injury
- Traffic collision with fatalities
- Death of a child
- Suicide
- Mass homicides
- Employee suicide
- Failed mission after extensive effort
- Excessive media interest
- Injury or death to a civilian as a result of operational procedures

Demobilization - 10 minute informational talk on survival skills and stress management followed by 20 minutes for food and rest. The size of a demobilization session can be as large as 50 to 100 people.

Debriefing- A large group crisis intervention technique. Designed for use with large groups of primary victims up to 300 at a time.

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Defusing - A "mini-debriefing", 20 to 40 minute(s) in length held within 8 hours of the incident with small groups of 3 to 8 people.

Follow-Up - Phone calls and/or home visits, when appropriate, to monitor the progress and well being of the employee(s) and family members. Referrals to the appropriate resource can be initiated during a follow-up.

1033.3.2 PROGRAM PHILOSOPHY AND OBJECTIVE

The Peer Support Team provides interventions and structured support activities which educate personnel and their families about stress and stress management. Such activities can occur prior to an incident in the form of training, during an incident to identify early warning signs of stress related symptoms, or after an incident in the form of debriefings and follow-up referrals.

The objective is to mitigate the likelihood of stress reactions that may arise out of exposure to a single critical or traumatic incident, or cumulative stressful incidents.

Critical Incident Stress Management is an adjunct to professional medical, psychological, spiritual or referral services. It is not intended to replace the counseling and any mental health benefit provided by the employees' health plan, and is not intended to provide substance abuse counseling. Members of the Peer Support Team shall not engage in psychological or personal counseling as defined in Business and Professions Code § 2900 et seq.

1033.4 PROGRAM STAFFING

1033.4.1 TEAM COMPONENTS: DESCRIPTION AND RESPONSIBILITIES

The Peer Support Team will be comprised of the following components:

- (a) Mental Health Professional
 1. A Mental Health Professional(s) under City contract with experience in police counseling and debriefing.
 2. The role of the Mental Health Professional is to conduct defusing and demobilization processes, assess need for follow-up referrals, and assist in teaching stress management to team members as well police personnel during Continued Professional Training seminars and Patrol Briefings.
- (b) Team Manager-the role of the Team Manager is to provide managerial oversight of the peer support team. These managerial responsibilities include, but are not limited to team policy development and oversight, budget oversight, training considerations, and other managerial duties as assigned. The Team Manager is appointed by the Operations Division Commander and will hold the rank of lieutenant.
- (c) Team Coordinator
 1. The role of the Team Coordinator is to manage, maintain and coordinate the program. They will act as liaison between Peer Support Personnel, outside resource persons and the Department.
 2. Supervise and coordinate Peer Support Personnel applicants.

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3. Coordinate training of Peer Support Personnel.
 4. Create a list of qualified referral sources for the use of the Peer Support Personnel. Referral sources will be researched fully by the Team Coordinator prior to being included on the list.
- (d) Team Leader(s)
1. The role of the Team Leader(s) is to assist the Team
 2. Coordinator and act as liaison between Peer Support Personnel and the department.
 3. Assists in teaching stress management to police department personnel during Continued Professional Training seminars and Patrol Briefings.
- (e) Team Members
1. The Peer Support Team Members will be selected by the Team Coordinator and will be trained in Critical Incident Stress Management and Peer Stress Counseling.
 2. Will assess need for follow-up referrals, and assist in teaching stress management.
 3. Will provide one-on-one peer assistance to affected employees at the request of either the individual employee, or referred by a supervisor or the team coordinator.
- (f) Department Chaplain
1. The Department Chaplain will be trained in Critical Incident Stress Management and Pastoral Crisis Intervention.
 2. Will assist in conducting defusing and demobilization interventions, assess need for follow-up referrals, and assist in teaching stress management.

1033.4.2 TEAM MEMBER SELECTION

The initial Peer Support Team will be comprised of personnel sitting on the Critical Incident Stress Management Steering Committee. The additional Team Members selected for participation in the Peer Support program will be chosen via the following criteria:

- (a) Expressed desire to be a member of the Peer Support Program.
1. Minimum commitment of three years to the Peer Support Program.
 2. No work restrictions involving psychological stress.
 3. Must be a full-time paid employee of the Livermore Police Department who has successfully completed probation or a police chaplain who has completed a chaplain's training program.
 4. Not currently the subject of a serious or major investigation or suffering from serious personal problems.

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5. Applicants shall complete a letter of interest via memorandum to the Peer Support Coordinator describing why they wish to participate in the Peer Support program. The letter shall contain the following information:
 - (a) I am not currently the focus of any disciplinary investigation regarding serious misconduct, and I am neither suffering from nor being treated for any serious personal problems.
 - (b) If any of the above conditions should subsequently change, I agree to discuss the situation with the Peer Support Coordinator.

Peer Support Personnel may be removed, for cause, by the Peer Support Coordinator and at the discretion of the Chief of Police.

In such cases, a decision will not be made until the facts of the situation are reviewed by the Peer Support Coordinator, the Peer Support Team Leaders, and reviewed with the Chief of Police.

A breach of confidentiality of Peer Support Personnel shall be cause for immediate removal from the Peer Support Program.

1033.5 TRAINING

The Peer Administrative Services Coordinator is responsible for monitoring the training status of Peer Administrative Services Personnel to insure appropriate preparedness of Team Members. The Coordinator will be responsible for the scheduling of initial team training and as well, updated training for Team Members. This agency will be following the Critical Incident Stress Management protocol endorsed by the International Critical Incident Stress Foundation.

- (a) The initial training shall be a minimum of a two-day (16 hour) basic Critical Incident Stress Management Course; a two-day (16 hour) Individual Critical Incident Stress Management Course; and, a two-day (16 hour) Advanced Critical Incident Stress Management Skills Course.
- (b) Initial training is intended to provide a basic understanding of and skills using the Critical Incident Stress Management protocol endorsed by the International Critical Incident Stress Foundation, which include, but are not limited to the following areas:
 1. Developing rapport with person being assisted;
 2. Facilitating and supportive listening skills;
 3. Grief and Bereavement;
 4. Nutrition and Exercise;
 5. Crisis identification;
 6. Assessment Skills;
 7. Crisis intervention techniques;
 8. Relationship problems;
 9. Alcohol and substance abuse;
 10. Depression and Suicide;

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11. Post critical incident syndrome;
 12. Knowledge of abnormal behavior;
 13. Job related problems;
 14. Taking Action (CISD).
- (c) Required Annual Update Training
1. Quarterly training (minimum of four hours).
 2. A minimum of two Peer Administrative Services Team Members should attend an annual training relating to Critical Incident Stress Management. This shall be rotated amongst Team members annually.

1033.6 PROGRAM PROCESS

1033.6.1 REQUESTS FOR PEER ASSISTANCE

Lists of the names of Peer Support Team Members shall be posted on departmental bulletin boards and shall be provided to all supervisors and managers. Any police employee(s) in need of peer assistance may select a Peer Support Team Member of their choice.

1033.6.2 INITIATION OF A CISD

In the event that a critical incident occurs, the supervisor of the employee should notify the Peer Support Coordinator, the department designated Mental Health Professional via the Mental Health Network, or a Peer Support Team Leader as soon as possible. The Peer Support Coordinator, the Mental Health Professional, or Peer Support Team Leader will then confer with the supervisor and assess whether or not the incident warrants the need for either a debriefing or defusing. The final decision as to whether a debriefing or defusing is warranted will be made by the Mental Health Professional or the Peer Support Team Leader.

- (a) When making the notification, the supervisor or manager should attempt to utilize an on-duty Peer Support Team Leader in the absence of the Peer Support Coordinator.
- (b) In the unlikely event that the supervisor and the Peer Support Team Leader disagree as to whether or not a debriefing or defusing is warranted, the Peer Support Coordinator and/or Mental Health Professional will make the determination. In any event, when an employee requests intervention, that request will be granted.
 1. This program is dependent upon the identification of all critical incidents large and small, to help reduce the emotional impact and to avoid the effects of posttraumatic stress.
 2. The Critical Incident Stress Debriefing or defusing should include any sworn and/or non-sworn personnel directly involved in the incident. If the defusing or debriefing to be conducted is for an incident described in this order, then attendance will be automatic for those involved. Active participation in the discussion is not a requirement. Anyone not directly involved in the incident, may not attend the Critical Incident Stress Debriefing.

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1033.6.3 REFERRALS TO MENTAL HEALTH PROFESSIONALS

Peer Support Team Members shall not make referrals to a mental health professional without the Peer Support Coordinator's authorization. This is to avoid the professional having to donate his/her time when there is a means to pay for their services.

1033.7 CONFIDENTIALITY

- (a)
- (b) 1.
- 2.
- 3.
- 4.
- (c)
- (d)

Communication between an officer and the department psychologist has been deemed confidential by the Evidence Code. Law enforcement personnel, whether or not a party to an action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the law enforcement personnel and a peer support team member made while the peer support team member was providing peer support services, or a confidential communication made to a crisis hotline or crisis referral service.

Notwithstanding the above, a confidential communication may be disclosed under the following circumstances:

- (a) To refer a law enforcement personnel to receive crisis referral services by a peer support team member.
- (b) During a consultation between two peer support team members.
- (c) If the peer support team member reasonably believes that disclosure is necessary to prevent death, substantial bodily harm, or commission of a crime.
- (d) If the law enforcement personnel expressly agrees in writing that the confidential communication may be disclosed.
- (e) In a criminal proceeding.
- (f) If otherwise required by law.

To be eligible for the confidentiality protections afforded by law (California Government Code Article 22, commencing with Section 8669.1), a peer support team member shall complete a training course or courses on peer support approved by the department.

1033.7.1 RECORD KEEPING

Record keeping will be for the utilization of statistical information only. Names or identification numbers of employees will not be used. Peer Support Team Members shall keep a monthly tally of

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the number of contacts and hours involved in peer assistance. No identifying information regarding peer contact or group debriefing services will be collected.

The monthly tally shall be submitted to the Peer Support Coordinator by the tenth of the next month.

1033.8 COMPENSATION

All Peer Support Team Members must understand that being a member is voluntary and must be prepared to answer calls for help on a twenty-four hour basis. The number of the Peer Support Team members shall be at least twelve (three separate teams) and may be increased by the Peer Support Coordinator as needed to meet the program objectives.

- (a) In most cases, peer assistance should take the form of an on duty meeting of a relatively short duration.
- (b) Prolonged peer assistance, such as debriefings and defusings, should be scheduled on-duty whenever possible.
- (c) In the event that extended off-duty overtime is required (more than two hours), the Peer Support Team Member shall secure prior approval from the Peer Support Coordinator, the Division Commander or the Watch Commander.
- (d) Peer Support Team Members will be compensated for their off-duty time, as provided in the employee's MOU, and in accordance with Department and City policies and procedures.

1033.9 POLICY REVIEW

Reviewed by Lt. Boberg

Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1034.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.

Lactation Break Policy

1035.1 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).

Section Revised: May 1, 2011

1035.2 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).

Section Revised: May 1, 2011

1035.3 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).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

Section Revised: May 1, 2011

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to 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 (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.

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Lactation Break Policy

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Section Revised: May 1, 2011

1035.5 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.

Section Revised: September 1, 2011

Payroll Record Procedures

1036.1 PURPOSE AND SCOPE

Payroll records are submitted to Support on a bi-weekly basis for the payment of wages.

Section Revised: September 1, 2011

1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

Section Revised: September 1, 2011

1036.1.2 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 Support no later than 8:00 a.m. on the Wednesday morning before the end of the pay period, unless specified otherwise.

Section Revised: September 1, 2011

Leave Time- Vacation, Compensatory Time, and Personal Leave

1037.1 PURPOSE AND SCOPE

To establish a standard practice to facilitate and guide the scheduling of leave time.

Policy Enacted: August 6, 2010

1037.2 DEFINITIONS

- **Leave Time:** For the purposes of this policy, Leave Time will include accumulated vacation, compensatory time, personal leave, and holiday time (if applicable) when taken off in increments of a complete work week.
- **Work Week:** A Work Week is defined as all consecutive scheduled work days between two regularly scheduled sets of days off.
- **Primary Leave Time Selection:** Primary Leave Time Selection is defined as an employee's first seniority choice of Leave Time dates within his or her Shift or Unit, and not exceeding three (3) consecutive and unbroken Work Weeks.
- **Secondary Leave Time Selection:** Secondary Leave Time Selection is defined as an employee's second seniority choice of Leave Time dates within his or her Shift or Unit, and not exceeding two (2) consecutive and unbroken Work Weeks.

1037.3 MAXIMUM LEAVE TIME - AUTHORIZED AMOUNT

The Maximum Leave Time Duration authorized by this department shall not exceed (3) three consecutive work weeks prorated for part time employees, except upon recommendation of the Team or Unit Manager and approval of the respective Division Commander.

1037.4 SENIORITY

Seniority shall be determined by the following factors. Each item shall be considered in numerical order until a determining factor is reached.

1. Rank in descending order.
2. Date of appointment to rank.
3. Date of appointment to current position
4. Date of appointment to paid employment with the City of Livermore

1037.5 PROCEDURE

1037.5.1 PRIMARY AND SECONDARY LEAVE TIME SELECTIONS

- (a) Leave Time shall be selected by seniority within each Team, Unit or Shift, commencing on October 1st or while on Patrol immediately after the annual shift sign-ups are

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completed and finalized. Or on a date selected at the discretion of the Team or Unit's respective Division Commander.

- (b) Each member of the Team or Unit may select one (1) Primary Leave Time for the calendar year. Selection may not exceed the authorized amount for a Primary Selection as defined by this policy.
- (c) Once all Team or Unit members have been afforded an opportunity to make a Primary Leave Time selection, each member will then be allowed to select, by seniority, one (1) Secondary Leave Time for the same calendar year. The Secondary selection may not exceed the authorized amount for a Secondary Selection as defined by this policy.
- (d) If an employee wishes to waive, change, or cancel a seniority Leave Time selection, whether it be the Primary or Secondary selection, the employee forfeits their seniority selection for that period and may not bump any other employee's scheduled Leave Time. This shall be documented by the employee's supervisor or manager.
- (e) If it is necessary for the department to cancel an employee's Leave Time, that employee may not bump any other employee from a scheduled Leave Time. In such an event, the Team or Unit manager will make every reasonable effort to assist the employee in rescheduling the Leave Time to the mutual agreement of both the employee and the department.
- (f) Subject to the Division Commander's approval, Team and Unit managers have full authority to determine when Leave Times may be granted within the framework of this policy, and whether more than one employee may be absent on Leave Time at the same time. Maintenance of basic police services, within budgetary limitations, shall be the primary consideration in such determination. Due to minimum staffing levels on Patrol, the general rule shall be a maximum of one officer per shift on Leave Time at the same time. Early and Late Swing will count as (1) shift.

1037.5.2 SUBSEQUENT REQUESTS FOR LEAVE TIME

- (a) Requests for Leave Time, regardless of the individual leave category, or any combination thereof, which are submitted outside the Leave Time Selection process outlined in this policy, shall be considered on a first come, first served basis by the Team or Unit manager. In no case shall the request exceed (2) consecutive work weeks, prorated for part time employees.
- (b) It is the employee's responsibility to submit their requests in a timely manner to ensure proper scheduling.
- (c) A subsequent request for Leave Time shall not bump any other employee's scheduled Primary and/or Secondary Leave Time selection.
- (d) If two or more subsequent requests for Leave Time are received for the same time period, the Team or Unit manager will first use the "submission date" to resolve the

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conflict. If not resolved, "seniority," as defined by this policy will be used for final resolution.

- (e) The Team or Unit manager will make every reasonable effort to grant the request, taking into consideration Section 1-f of this policy.

Overtime Compensation Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1038.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative Services Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

1038.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Division Commander for final approval.

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Overtime Compensation Requests

1038.2.3 DIVISION COMMANDERS RESPONSIBILITY

Division Commanders, after approving payment, will then forward the form to the Chief of Police for review.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1038.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1040.2.1 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).

1040.2.2 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

Section Revised: May 1, 2010

1040.3 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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1040.3.1 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.

Section Revised: May 1, 2010

1040.3.2 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.

1040.3.3 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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1040.4 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.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to § 1040.2.2(c) of this policy.

1040.5 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.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

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- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Livermore Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, psychiatric injuries, and work-related injuries.

1042.1.1 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.).

1042.2 POLICY

The Livermore 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.).

1042.3 RESPONSIBILITIES

1042.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1042.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1042.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administrative Services Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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Occupational Disease and Work-Related Injury Reporting

1042.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1042.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administrative Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1042.5 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.

1042.5.1 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.

1042.6 POLICY REVIEW

This policy was reviewed by Captain Sarsfield on 01/23/19.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR

Sworn and non-sworn personnel are permitted to wear beards and goatees that are maintained at a length and pattern so as not to detract from the employee's professional appearance. Beards and goatees shall be well-groomed, neatly trimmed, and all areas around the goatee or beard will be shaved prior to starting work. Facial hair must be trimmed above the cheeks, shall not exceed 2 inches below the jaw line. Personnel shall not exceed a maximum beard or goatee length of 1/2 inch. Exotic facial hair styles are not allowed (i.e., scroll work, abnormal shaving patterns, or extreme color contrast between facial hair and head of hair). Hair coloring outside the natural hair color spectrum is not permitted. Beards and goatees that have a non-uniform, thin, or patchy appearance will not be permitted.

Goatees shall have sharp, even corners and edges and must be contiguous with a mustache to not constitute a clump or patch of hair. Chin only beards, beards with no mustache, or any other patch style goatee are not permitted. The width of goatee shall not exceed outward more than

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1/2 inch from a vertical line that extends from the corner of the mouth down, nor shall it proceed under the jaw toward the neck more than 1/2 inch.

When starting to grow a beard or goatee, members shall start the growth process on their days off to present a more professional look and prevent an "unshaven" appearance once returning to work. Members will not be permitted to report to work without shaving unless they are 3 days into the process of growing a beard or goatee.

All employees shall maintain facial hair that allows for the proper fit of personal protective equipment (PPE), gas masks, or self-contained breathing apparatus. All employees who are required to complete annual fit testing for their PPE are required to fully shave for testing purposes.

Employees shall be required to be clean shaven for pre-planned tactical operations or preplanned crowd control events where the use of gas masks and/or self-contained breathing apparatus is possible.

Employees assigned to the Livermore Police Honor Guard shall be required to be clean shaven for events where they represent the Livermore Police Department in that capacity. When not representing the Livermore Police Department as a member of the Honor Guard, they are permitted to maintain facial hair as otherwise indicated in this policy.

Employees should recognize that with the implementation of this policy, the intent is to maintain a professional appearance while still allowing some individuality. It is the responsibility of the employee's direct supervisor and manager to ensure that their subordinates conform to the standards outlined in this policy.

The Chief of Police maintains authority to require personnel to be clean shaven for a department function or for operational need as he/she deems necessary.

Chief of Police

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1044.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member

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or others during a physical altercation, if the member is assigned to a position where that may occur.

- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1044.2.7 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by male, uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Female sworn may wear small ornaments for the lobe of the ear while in uniform. Pierced earrings must be a post type ornament which does not dangle or extend below the bottom of the ear lobe. There shall not be more than one piercings per ear. Only one ring may be worn on each hand of the employee while on-duty. A watch and one bracelet per wrist may be worn. All jewelry shall be in good taste and meet contemporary business standards.

1044.3 TATTOOS

Uniformed personnel shall not have any tattoos visible while assuming a normal stance in any of the authorized uniforms. For all other employees, tattoos shall not be generally visible to the public or to other personnel.

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

1044.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for

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such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

1044.6 POLICY REVIEW

This policy was reviewed by Captain Cochran

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Livermore Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 1024 - Body Armor

Section 1044 - Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Livermore Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

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- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
 - 1. Wrist watch
 - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
 - 3. Medical alert bracelet

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. Refer to the Uniform specifications document.

1046.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times. Refer to the Uniform specifications document.

1046.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1046.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

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1046.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1046.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's 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.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (f) Flag Pin - A flag pin may be worn, centered above the nameplate.
- (g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1046.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

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- (e) As directed by the Chief of Police.

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
 - 1. T-shirt alone
 - 2. Open toed sandals
 - 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 Livermore Police Department or the morale of the employees.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Livermore 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 Livermore Police Department to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.

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- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

1046.7.1 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Livermore Police Department. (This identification is separate and distinct from the identification authorized by Penal Code § 12027 and referenced in the Retired Officer CCW Endorsement Policy in this manual).

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Livermore Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

Section Added: May 1, 2011

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Livermore 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.

Livermore Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Police Cadets

1048.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1048.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester units of college course work per semester and senior cadets shall complete 12 units per semester.

1048.3 PROGRAM COORDINATOR

The Training Bureau Manager will serve as the Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1048.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

1048.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1048.5 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Training Bureau Manager.

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Police Cadets

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

1048.6 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.

1048.7 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets shall be completed monthly during their first year on probation. Upon successful completion of probation, cadets and senior cadets will be evaluated on a bi-yearly basis to assess their current job performance and their potential as police officers.

Nepotism and Conflicting Relationships

1050.1 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.

Section Revised: May 1, 2011

1050.1.1 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.

Section Revised: May 1, 2011

1050.2 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)):

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- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, 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.

Section Revised: May 1, 2011

1050.2.1 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

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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.

Section Revised: May 1, 2011

1050.2.2 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.

Section Revised: May 1, 2011

Department Badges

1052.1 PURPOSE AND SCOPE

The Livermore Police Department badge and uniform patch as well as the likeness of these items and the name of the Livermore Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 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.

1052.2.1 FLAT BADGE

Sworn officers will be provided with 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) 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.
- (b) An honorably retired officer may purchase his/her flat badge upon retirement, per policy 221.
- (c) The purchase, carrying, or display of a flat badge is not authorized for non-sworn personnel.

1052.2.2 NON-SWORN 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.

1052.3 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 non-sworn 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.

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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.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Livermore Police Department. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

1052.5 POLICY REVIEW

This policy was reviewed by Captain Sarsfield.

Modified Duty Assignments

1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1054.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

Employees who are unable to perform the full range of their regular job duties, because of physical limitations, but who have been released with restrictions by their treating physician to return to work in a limited capacity for a maximum of 90 days. The employee must progress to a higher level of physical activity during the identified time period. If no significant improvement has been made, the assignment may be re-evaluated and the employee may not be eligible to continue at a modified duty status.

1054.3 LIMITATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee should be given the option to either accept the position if able to perform the modified duty in existing current assignment or continue to draw on applicable sick leave or other leave accounts as applicable. The Chief of Police shall make final determination on all modified duty assignments including whether the injury occurred on duty or off duty.

- (a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
- (b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.

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- (c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.
- (d) The employee's treating physician is to provide regular reports that will articulate restrictions from the employee's physical job requirements as identified on the Physical Job Analysis Form provided by the City.

1054.4 PROCEDURE

Upon receipt of a signed statement form from the employee's health care provider describing their restrictions in a written report addressed to the department, the employee may be assigned a modified duty assignment based on their restrictions. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices. The modified assignment will be made at the discretion of the Chief of Police or their designee.

The Division Commander will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Watch Commander or Division Commander. Assignments of longer duration are subject to the approval of the Chief of Police or his/her designee.

1054.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1054.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 90 days will require a written status report and a request for an extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

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- (d) Extensions will only be considered if there has been improvement with the employee's condition as documented by the employee's treating physician. If no improvement has been identified within or after the 90 day period, the employee may be removed from the modified duty assignment.
- (e) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1054.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1054.5 PREGNANCY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

1054.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

1054.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules and Regulations regarding family and medical care leave.

1054.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

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1054.7 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

1054.8 POLICY REVIEW

This policy was reviewed by Captain Young on 10/12/17.

Employee Speech, Expression and Social Networking

1058.1 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.

Policy Enacted: August 1, 2010

Section Revised: September 1, 2011

Section Revised: October 1, 2012

Section Revised: February 1, 2013

1058.1.1 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.

1058.2 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 Livermore 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.

1058.3 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

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Employee Speech, Expression and Social Networking

of the Livermore Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following is prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Livermore 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 Livermore Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Livermore Police Department or its employees.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Livermore Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

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- (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 Livermore Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1058.4.1 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 Livermore Police Department or identify themselves in any way that could be reasonably perceived as representing the Livermore Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Livermore Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department may not require an employee to disclose a personal user name or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (Labor Code § 980).

Section Revised: February 1, 2013

1058.6 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Section Revised: February 1, 2013

Illness and Injury Prevention

1059.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Livermore Police Department, in accordance with the requirements of 8 CCR § 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1059.2 POLICY

The Livermore Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1059.3 ILLNESS AND INJURY PREVENTION PLAN

The Administrative Services Division Commander is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Prepare a written record of safety and health committee meetings.
 3. Review the results of periodic scheduled inspections.
 4. Review investigations of accidents and exposures.
 5. Make suggestions to command staff for the prevention of future incidents.
 6. Review investigations of alleged hazardous conditions.
 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

1059.4 ADMINISTRATIVE SERVICES DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Administrative Services Division Commander include, but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR § 5144)
 - (b) Bloodborne pathogens (8 CCR § 5193)
 - (c) Aerosol transmissible diseases (8 CCR § 5199)
 - (d) Heat illness (8 CCR § 3395)
 - (e) Emergency Action Plan (8 CCR § 3220)
 - (f) Fire Prevention Plan (8 CCR § 3221)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

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Illness and Injury Prevention

- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1059.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Division Commander.
- (e) Notifying the Administrative Services Division Commander when:
 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 2. New, previously unidentified hazards are recognized.
 3. Occupational illnesses and injuries occur.
 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 5. Workplace conditions warrant an inspection.

1059.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administrative Services Division Commander via the chain of command.

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Illness and Injury Prevention

The Administrative Services Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1059.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administrative Services Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1059.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1059.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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Illness and Injury Prevention

1059.9 TRAINING

The Administrative Services Division Commander should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1059.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1059.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Illness and Injury Prevention

1059.11 POLICY REVIEW

This policy was reviewed by Captain Sarsfield on 04/23/19.

Attachments

221 ATT B.pdf



INTEROFFICE MEMORANDUM

Date:

To: Michael Harris, Police Chief

From:

Subject: Retiree Police Badge Purchase

Effective , I am retiring after years of service with the Livermore Police Department. Pursuant to policy section 221, I would like to retain my uniform and flat badge as listed below. The uniform badge will only be displayed as memorabilia. The badges will be purchased by me at a rate of fifty percent (50%) of the original amount paid for the item.

Police Badge Number (Uniform & Flat Badge)

Approved:

Michael Harris Date
Chief of Police

(Attachment B – Policy 221)

221 ATT C.pdf



INTEROFFICE MEMORANDUM

Date:

To: Michael Harris, Police Chief

From:

Subject: Promotional Police Badge Purchase

Effective _____, I was promoted to the position of _____. Pursuant to policy section 221, I would like to retain my previous position uniform badge as listed below. The badge will only be displayed as memorabilia. The badge will be purchased by me at a rate of fifty percent (50%) of the original amount paid for the item.

Police Badge Number

Approved:

Michael Harris Date
Chief of Police

(Attachment C – Policy 221)

221 ATT D.pdf



INTEROFFICE MEMORANDUM

Date:

To: Michael Harris, Police Chief

From:

Subject: Resignation Police Badge Purchase Memorandum

Effective , I resigned from the position of . Pursuant to policy section 221, I would like to retain my previous position uniform badge as listed below. The badge will only be displayed as memorabilia. The badge will be purchased by me at a rate of fifty percent (50%) of the original retail cost paid for the item plus applicable sales taxes.

Police Badge Number

Approved:

Michael Harris Date
Chief of Police

(Attachment D – Policy 221)

8102 Memo and Checklist.pdf



INTEROFFICE MEMORANDUM

Date:

To: City Attorney's Office

From: Records Section, Police Department

Subject: Request for Hearing – Weapons Taken for Safekeeping Under 8102 W&I

The Livermore Police Department requests the City Attorney's Office petition the Superior Court for a hearing and a judicial determination regarding the destruction of weapon(s) taken from _____ ("Subject") on _____, LPD Case number _____, within 30 days of the Subject's release

Subject was transported to _____ (facility name) for psychiatric evaluation and was admitted for treatment evaluated admission status unknown, and released from this facility on _____ (date).

Full copies of the following documents are attached:

- Full copy of police report, including all supplements
- LPD06, front and back
- Psychiatric Detention Application form
- Release explanation from facility (only required if Subject was released after less than 24 hours)
- Letter/Notice sent by mail to subject regarding procedures for the return of the weapons
- Names and work schedules for all officers involved and their immediate supervisors
- Signed Officer's Statement **OR** Signed Supervisor's Statement

If a petition is filed, please send copies of the petition to the officer indicated on the report, and to the Property/Evidence Technician at the Police Department.

If you have any questions, please contact the Property/Evidence Technician at x4940.

Submitted by: _____

City Attorney's Office Use Only:

Assigned to: _____ 30-day deadline: _____ 60-day deadline (ex parte req'd): _____

Declined to prosecute Missing Information Returned to PD on: _____

OFFICER'S STATEMENT

(This form must be signed by the responding officer and attached to all Requests for Hearing under W&I 8102)

Based on the details of my investigation set forth in the attached Report and Psychiatric Detention Application, and based on my interaction with the detained individual, I believe that returning the confiscated weapon(s) to the detained individual poses a serious risk of harm to him/her and to others. I would like the City to pursue filing the necessary court documents to request the confiscated weapons not be returned and/or destroyed.

I have reviewed the police report and/or PVRs prior to signing this statement.

Signature

Date

SUPERVISOR'S STATEMENT

(In the event the officer is not available to sign an Officer's Statement, this form must be signed by the responding officer's supervisor and attached to the Request for Hearing under W&I 8102)

Based on the details of my review of the investigation set forth in the attached Report and Psychiatric Detention Application, and based on my review of the case with the officer above, or based upon my training and experience, I believe that returning the confiscated weapon(s) to the detained individual poses a serious risk of harm to him/her and to others. I concur with the request for the City to pursue filing the necessary court documents to request the confiscated weapons not be returned and/or destroyed.

Signature

Date

RETIREE WEAPON TRANSFER PURCH ATT A.pdf



INTEROFFICE MEMORANDUM

Date:

To: Michael Harris, Police Chief

From:

Subject: Retiree Weapon Transfer and Purchase Agreement

Effective _____, I am retiring after _____ years of service with the Livermore Police Department. Pursuant to policy section 221, I would like to retain my service firearm as listed below. The firearm will be purchased by me at a rate of fifty percent (50%) of the original amount paid for the item. Upon payment of firearm I will complete and sign the City of Livermore Surplus Property Sale and Disposition Agreement for Handgun Sale to Retiree form. The transfer of the handgun shall be completed through a third party licensed firearms dealer.

Glock

Serial Number

Approved:

Michael Harris Date
Chief of Police

(Attachment A – Policy 221)

Sexual and Physical Abuse Protocol.pdf

Livermore Police Department
Patrol Division Protocol
Response to Sexual/Physical Abuse

Page 1

1. **Introduction**

1. **Officer Safety.** It is common for the suspect to be present upon your arrival to a child sexual abuse case. As a result, the suspect may be despondent or suicidal at the prospect of the victim's disclosure. Separate the suspect from other involved parties. **Arrest only as a last resort.** Normally, questioning the suspect is of little value at that time, unless he/she wishes to confess.
2. In general, officers investigating a child sexual/physical abuse need only complete a LPD crime report documenting a corpus interview and a DOJ 11166 P.C. report form.
3. If information gathered during the preliminary investigation tends to show that the child will continue to suffer physical/emotional harm without immediate intervention, a supervisor shall be notified. It is recommended that in these circumstances, the CIB Sergeant or his/her designee be immediately consulted to assist in determining a course of action.
4. In all cases of child sexual/physical abuse, officers should advise their immediate supervisors.
5. Identify the Reporting Party and interview him/her separately (unless it is the victim). Attempt to obtain the following information from the Reporting Party (some of the below information may not be applicable to your investigation):
 - The R/P's relationship to the child.
 - How and when the R/P learned of the molest/abuse.
 - Who was present when the disclosure occurred.
 - Determine the relationship between the child and suspect.
 - Determine the relationship between the suspect and the R/P.
 - Determine whether the suspect knows about the allegations.
 - If the suspect knows, how did he/she find out? What was the suspect's response (demeanor/statements)?
 - Attempt to determine the duration of the molest/abuse, and the specific acts perpetrated. Obtain the child's exact description, not the R/P's paraphrase.
 - If recent, the R/P's observations of child's appearance and clothing.
 - The R/P's observations of the child's demeanor. Any recent behavior changes?
 - The child's developmental level. If known, the child's school performance.
 - Timing of molest/abuse (what precipitated the disclosure?).
 - If the suspect is not a parent, determine the nature of the relationship between the suspect and child's parents.
 - Determine the child's current custody status and living arrangements. If the suspect and child live together, determine the other parent's willingness and

Livermore Police Department
Patrol Division Protocol
Response to Sexual/Physical Abuse

Page 2

ability to protect the child. Evaluate per 300 W&I. Note: In Alameda County, only Peace Officers can 300 W&I a child that is the victim of sexual or physical abuse. This is to ensure their involvement in the investigation.

- Description of the location(s) of the incident.
- Any others present at the location.
- Does the child have any siblings? If so, their age, gender, and relationship to the suspect.
- If the R/P is a parent, describe any conversations between the child and R/P about the abuse.
- If sexual abuse is alleged, does the R/P know the level of exposure the child has had to sexual matter/education?
- Has the child previously reported any physical/sexual abuse by the suspect?
- Does the R/P know if the suspect has a history of molestation/physical abuse?
- Was the victim taken to a doctor or hospital for an examination regarding the allegations? If so, obtain the name, business address, and business phone number of the examining doctor.
- If the child was examined at a hospital for injuries relating to the abuse, obtain a signed Medical Release waiver for the child's medical records. (Usually kept in the respective ER, or Report Writing Room.)

2. Contact with the Victim

1. Avoid any interview with a victim. If the reporting party (other than the victim) was able to articulate facts leading you to believe a criminal act might have occurred, there is usually no reason to interview the victim. **If an interview is necessary with the victim**, notify your supervisor and consider calling out a detective.
2. If an interview is necessary, and a detective is unable to respond in a timely manner, obtain a Corpus Interview away from any other witnesses or parents. It is permissible to have a support person present; however, avoid someone who may be personally and emotionally involved. **If the support person is a distraught parent, do not conduct a corpus interview.**
 1. Develop rapport and elicit background information. Thank them for coming forward and talking to you. Assure them that you only wish to help them and explain your role. *Note: The victim is often more afraid of the police than they are of the suspect. They have often been threatened*

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*and given misinformation by the suspect to keep them quiet. (i.e.: they will be taken away from their family, or people will think that it is their fault, or their pets/siblings will be hurt/killed). **If you have no intention of taking them into protective custody assure them of that.***

3. **Corpus Interview of the Victim.** The purpose of the Corpus Interview is to determine what investigative actions should be taken and will dictate the preliminary course of the investigation. This should be extremely brief and summarized in your report. **Do not take a written statement, or record (digital or PVRs) corpus interviews with the victim or reporting party.**
 1. Use open-ended questions. (e.g.: Can you tell me why I am here today? Can you tell me what happened to you? Who touched you? Where were you touched?)
 2. Information required
 - Briefly what happened (Corpus of the crime).
 - Where it took place (jurisdiction). (If the incident(s) occurred in another jurisdiction you will forward the report to the appropriate jurisdiction).
 - Roughly when it occurred.

4. **Evidence**
 1. Certain questions need to be asked to determine the existence of any corroborative evidence, as soon as possible, to minimize the chances of its destruction. Usually, children will not volunteer information about the existence of this evidence because of embarrassment or lack of understanding to its significance. The following questions should be asked: *Note: Based on the responses evaluate the need for an investigator.*
 - Who else knows about this?
 - Who was the first person you told?
 - Do you know of anyone else that (the suspect) has done this to? (*Note: Avoid using the term suspect. Refer to the suspect by name.*)
 - Do you or the suspect keep a diary?
 - Have you or the suspect ever written, or exchanged, any letters/notes/electronic correspondence (including social media) to each other?
 - Did anyone witness what happened?
 - Have you or the suspect ever exchanged gifts or has the suspect ever taken

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anything of yours?

- Has the suspect ever photographed/video recorded you? (Not only child pornography)
- Have you ever been shown any sexual photos or items of a sexual nature?
- Where drug/alcohol used by the suspect or given to you?
- What were you wearing during the last incident? (If recent, take for evidence).
- Were you ever threatened? If possible, determine if any weapons were used or seen. (Be careful, you don't want to suggest there should have been weapons).
- Were any other items used or places on you or inside of you? (Foreign objects, sexual devices, contraceptives, lubricants, or clean up items).
- To your knowledge, has the suspect ever told anyone?

5. Medical Examinations.

1. The need for a medical examination should be determined. Consider the following:
 - Are all elements of the crime present?
 - Was there a time delay in reporting?
 - Has the victim bathed?
 - Are the events described conducive with leaving evidence?
 1. Injury
 2. Biological fluid
 3. Pubic hair transfer
 4. Transfer of disease
 5. Trace evidence to suspect, victim, or crime scene
2. If an examination is warranted, provide the information obtained during the Corpus Interview to the medical staff conducting the medical exam. As part of the examination, trained medical staff may ask the victim questions regarding the incident. Do not interpret this as medical staff interviewing the victim as part of the police investigation.
3. Medical examinations are conducted at Highland Hospital, Washington Hospital, and Children's Hospital.

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1. Victims aged 14 and over are examined at Washington Hospital or Highland Hospital. Officers can transport the victim directly to Washington Hospital or Highland Hospital. No appointments are necessary. Washington Hospital (510) 797-1111, Operator or (510) 791-3430, Emergency Department, or Highland Hospital (510) 437-4559, Press "7" for Emergency Department.
2. Victims aged 13 and under are examined at Childrens Hospital Oakland.
 1. If the molest occurred within 72 hours, Childrens Hospital will conduct the examination.
 2. If the molest occurred in excess of 72 hours, an appointment with the Center for Child Protection at Childrens Hospital is necessary.
 - (1) Prior to transporting a victim to Childrens Hospital, call ahead to determine if they will conduct an examination and to make arrangements. Childrens Hospital has an on-call social worker that can be contacted 24 hours a day. The social worker can be reached by calling the Hospital's operator, and requesting the social worker of the day.
 - (2) Childrens Hospital, current phone list:

(1) Operator	(510) 428-3000
(2) ER	(510) 428-3240
(3) Child Protection	(510) 428-3742
(4) Social Services	(510) 428-3325
 3. If an appointment is required, the report should be forwarded to C.I.B. to make the arrangements and conduct any additional follow up.
4. After the examination, the sexual assault evidence kit and/or the victim's clothing will be packaged by the attending medical staff. The evidence may require air drying before it can be released. If so, it may take an hour or two.
 1. The sexual assault evidence kit should be booked into the evidence freezer kept in the evidence garage. A vial of blood may accompany the kit. If so, the blood should be booked into the refrigerator also kept in the evidence

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garage (DO NOT FREEZE BLOOD). If you do not see a vial of blood when picking up the sexual assault evidence kit from the hospital, ask medical staff if it was mistakenly packaged inside the kit. Place property/evidence form in the mail slot in the bag-and-tag room.

5. Obtain the original completed Office of Criminal Justice Planning (OCJP) Child sexual assault examination form/report and attach it to the report. If it is not available, have the appropriate person FAX a copy, then mail the original, to the Livermore Police Department. If the suspect is in custody, the report will be required for charging.
 1. Usually, the report is completed using medical terms/jargon. Discuss the report with the attending Doctor/Physician's Assistant for a brief summary of the injuries and their findings. This will help you when writing the report.

6. Final Details

1. Inform the parties that an investigator will contact them. Please do not make specific Detective referrals or provide phone numbers. Depending on the case and when it is reported, it may take several days before the case is assigned to a detective. Reassure the R/P or parent that an investigator will contact them upon receiving the case.
2. **Instruct adults not to question the child**, remain calm, and don't let the child see emotional displays regarding their molest/abuse.
3. Accurately document all of the child's spontaneous statements.
4. Do not discuss any investigative techniques that may be used by the investigator (e.g.: pretext phone calls, interview techniques).
5. Call Alameda County Child Protective Services, **510 259-1800**, and flag your report for distribution to Alameda County Child Protective Services. Complete **DOJ form 11166** and attach the completed form to your report if you are forwarding the report for follow-up and/or closing the report yourself.

7. Victims Rights

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1. Per Government Code 6254 (f)(2) The name of a victim of specified crimes may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor.
 1. Per 293 PC, victims in the specified crimes are eligible for confidentiality and an officer must ask the victim or, if the victim is a minor, ask the victim's parent/guardian if he/she wishes the victim to remain confidential. If the victim is a minor, the parents may also be listed as confidential. Document their wishes in the narrative of the report.

2. Provide the victim with a **Victim/Witness pamphlet.**
 1. Provided the victim a Victim/Witness pamphlet and a Domestic Violence Pamphlet if applicable.
 2. Victims of sexual abuse crimes have the right to an advocate and a support person present during an examination and interview - 679.04(a) PC. *Note: A support person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination - 264.2(4) PC.*

8. **293 PC Confidentiality Requirement**

1. In the narrative portion of the report, the victim should be referred to as: "Jane Doe," "John Doe," or "the victim," For example: "Jane Doe told me....." Jane or John Doe is preferable to use instead of "The victim."
 1. If there are multiple victims they should be referred to as Jane Doe 1/John Doe 1, and Jane Doe 2/John Doe 2, etc.
 2. If the victim's parents are listed as confidential, they should be referred to as "John/Jane Doe's mother" or "John/Jane Doe's father."

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3. If the suspect is a parent or guardian they are **not** eligible for confidentiality.
2. It is Records' responsibility to ensure the victim's identity will remain confidential. All attachments to the report such as medical reports, and/or other documents shall not be redacted by the writing officer.

9. Applicable Penal Code Sections for Sexual Abuse (F)=Felony, (M)=Misd., (W)=Wobbler.

FEL	209	Kidnapping for ransom with intent to violate sections 261, 286, 288, 288a, 289
FEL	220	Assault to commit rape, sodomy, or oral copulation
WOB	243.4(e)(1)	Sexual battery
FEL	261	Rape
FEL	261.5	Unlawful sexual Intercourse.
MIS	261.5 (b)	Unlawful sexual intercourse. Suspect and Victim are within 3 years of age. Suspect must know Victim is ↓18. Both involved could be ↓18. If the V ↓14 use 288(a)
FEL	261.5 (c)	Suspect and Victim are separated in age by more than 3 years. Suspect must know Victim is ↓18
FEL	262	Spousal Rape
FEL	264.1	Aiding/Abetting 261, 262, 289, in concert by force/violence
FEL	266	Entice minor female for prostitution/etc.
FEL	267	Abduct minor for prostitution
FEL	269	Aggravated sexual assault of child ↓14 and 10 or more years younger than perpetrator using force/fear with violation of 261, 264.1, 286, 288a, 289(a). Bail exempt, 15 years to life sentence
FEL	285	Incest (many elements for proof)
FEL	286 (b)(1)	Sodomy, Victim ↓18
FEL	286 (b)(2)	Sodomy, Victim ↓16 and Suspect ↑21, additional sub sections - (F)
FEL	288 (a)	Lewd/lascivious acts w/child ↓14
FEL	288 (b)(1)	Caretaker/sexual act upon dependent adult w/force
FEL	288 (c)(1)	Lewd/lascivious acts w/child 14 or 15, and suspect at least 10 years older
FEL	288.2	Distribution or Exhibition of lewd material to minor
FEL	288.3	Arrange meeting w/minor for purpose of engaging in lewd acts
FEL	288.5	Continued Sexual Abuse. 3 acts in excess of 3 month time period

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FEL	288.7	Sexual acts w/child 10 yrs old or younger (25 to life)
FEL	288a(b)(1)	Oral copulation, Victim ↓18
FEL	288a(b)(2)	Oral copulation, Victim ↓16 and Suspect ↑21 , additional sub sections - (F)
FEL	288a(c)(1)	Oral Copulation V is ↓14 and suspect 10+ years older
FEL	289	Penetration by foreign object. Subsections (h) V is ↓18, (i) V is ↓16 S is ↑21 (j) V=↓14 S=10+ years older.
WOB	311.1 – 11	Child pornography
MIS	314	Indecent Exposure (F) - Entering dwelling/inhabited trailer w/o consent, or prior 314 or 288 conviction
MIS	647.6	Annoying/Molesting Child (F) - Entering dwelling/inhabited trailer w/o consent, or prior Felony 311.4 (involving ↓14) or Felony 288 conviction
FEL	653f(c)	(F) 653f(c) Solicits another to commit 261, 264.1, 286, 288, 288a, 289 by force/violence

CRIMES ELIGIBLE FOR CONFIDENTIALITY, PER 6254(f)(2) G.C.
(Bold listings: MUST be advised of right to confidentiality, per 293 PC)

- 220 PC** – Assault w/ intent to commit sex crime or mayhem
- 261 PC** – Rape
- 261.5 PC** – Unlawful Intercourse
- 262 PC** – Spousal Rape
- 264 PC – (penalties for Rape, additional fine for victim’s program)
- 264.1 PC** – Conspiracy to sexually assault
- 265 PC – Abduction to force marriage
- 266 PC – Seduce female under 18 years into house of prostitution
- 266a PC through 266f PC and 266j PC – Pimping, pandering, and prostitution w/minors
- 267 PC – Abduction for prostitution
- 269 PC – Aggravated sexual assault against child
- 273a PC – Cruelty to a child
- 273d PC – Unlawful Corporal punishment
- 273.5 PC – Corporal Injury, spouse or other
- 285 PC – Incest
- 286 PC** – Sodomy
- 288 PC** – Lewd act/sex offense against a child
- 288a PC** – Unlawful oral copulation

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288.2 PC through 288.5 PC and 288.7 PC – Sex offenses involving minors

289 PC – Unlawful penetration, foreign object

422.6 PC – Violation of Civil Rights by discrimination (Misd.)

422.7 PC – Violation of Civil Rights by discrimination w special circumstances (Misd.)

422.75 PC – Violation of Civil Rights by discrimination (Felony)

646.9 PC – Stalking

647.6 PC – Annoy or molest children

CRIMES REQUIRING ADVOCATE ADVISEMENT (264.2(b)(1) PC)

(or notification of Rape Crisis Center if victim transported for a medical exam)

261 PC – Rape

261.5 PC – Unlawful sexual intercourse with a juvenile (“Statutory Rape”)

262 PC – Spousal Rape

286 PC – Sodomy

288a PC – Unlawful oral copulation

289 PC – Unlawful penetration, foreign object

Axon_Flex_2_Quick_Start_mpc0251.pdf

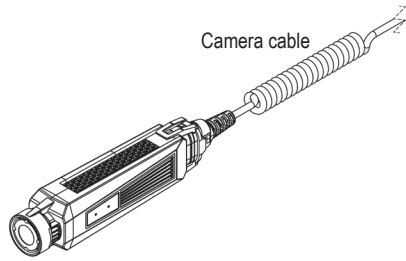


Axon Flex 2 Quick Start Guide

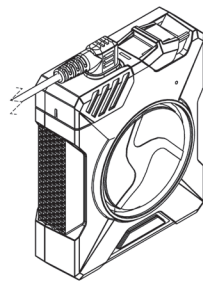
English

Hardware

Axon Flex 2 controller



Axon Flex 2 camera



Also available:
USB C to A Sync cable

Quick Reference

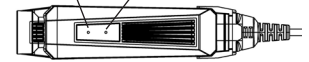
Cable Connection Port

Also for data transfer and recharge with PC or Axon Dock

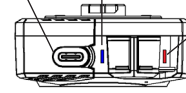
Function LED

Microphone

Speaker



Operation LED



Slide Lock

Holds cable to controller

Power Switch

Red = On/Buffering

Speaker

Function Button

Mute or add marker

EVENT Button

Double-press = Start record

Hold 3 seconds = Stop record

Battery Status Button

Push to show status of battery

Battery LED

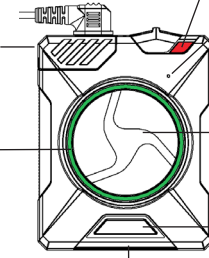
Green = 40–100%

Yellow = 20–39%

Red = Less than 20%

Status LED

(bottom of controller)



Read, understand, and follow all current instructions, warnings, and relevant Axon training materials before using any Axon system. The most up-to-date warnings and instructions are available at www.axon.com.

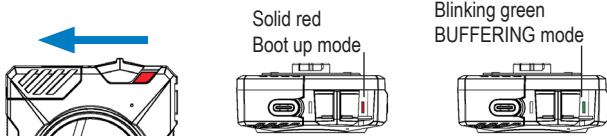
Before using an Axon Flex 2 system, ensure it is fully charged, and connect it to Evidence.com via the Axon Dock or Evidence Sync software to ensure it is properly configured. See *Controller Battery LED* and *Recharging the Battery and Uploading Data* for more information. If the battery's charge is ever depleted, recharge and reconnect the connect the system again.

Recording

The Axon Flex 2 system has 2 operating modes. The default mode, or BUFFERING mode, provides pre-event buffering to capture activities that occur before you activate the EVENT (recording) mode.

1 Turn the system on. Move the ON/OFF switch to the ON position.

- The camera takes a few seconds to boot up and be ready to record (the red area under the switch will be exposed with the switch moved to the ON position).

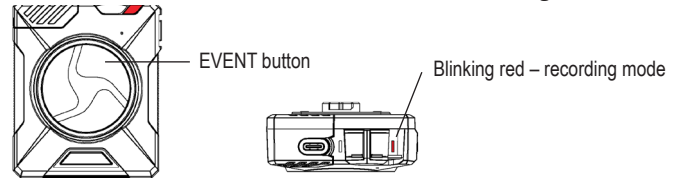


- The operation LED will be solid red and then transition to blinking green when the system goes into BUFFERING mode.
- The system will go into BUFFERING mode after the boot up sequence. With default settings, the BUFFERING mode holds the previous 30 seconds of video (NO AUDIO) leading up to the beginning of a recording.

2 To record, quickly double-press the EVENT button.

- The system now records audio as well as video.
- The system will beep twice to let you know that recording started. The 2 beeps will repeat every 2 minutes (if the system is muted, there will be no audio notifications).
- The operation LED will blink red.

3 To stop recording and return to BUFFERING mode, press and hold the EVENT button for at least 3 seconds until there is a long, audible beep.



Because the system does not capture audio in BUFFERING mode, the first 30 seconds of a recorded event will be video-only (depending on your agency's settings). BUFFERING mode starts only after the camera boots up. The system does not record when the Axon Flex 2 controller is turned off.

Controller Operation LED

The controller's operation LED displays the system's current operating mode.

Operating Mode	Controller LED
EVENT	Blinking red
BUFFERING	Blinking green
Recovering interrupted video*	Blinking red
Booting up/powering down	Solid red
Error state**	Solid red
Cable disconnect	Blinking yellow

* When the function LED also is blinking red. If little video was interrupted, the function LED will blink only briefly.

** When the Function LED also is solid red.

Controller Function LED

The Axon Flex 2 controller's function LED displays when certain functions are enabled.

Controller Battery LED

The controller's battery LED displays the battery's remaining capacity, when the device is being used or when charging.

Battery Capacity	Battery LED
Battery capacity is 40–100 percent	Green
Battery capacity is 20–39 percent	Yellow
Battery capacity is less than 20 percent	Red

Function Enabled	Function LED
Mute	Blinking blue
Camera error***	Solid red
Pairing mode	Blinking green

*** Use the power switch to turn the camera off and on.

Notifications

Operating Mode	Audio	Vibration
Powering on or off	One beep	Once
Recording an event	Two beeps (every 2 minutes)	Twice (every 2 minutes)
Press the battery button while the camera is recording	Two beeps	None
The device is ending an event and returning to BUFFERING mode	One long beep	Once, long duration
Low battery notifications:		
<ul style="list-style-type: none"> Camera in BUFFERING mode and battery has power for 20 minutes or less (the camera will not record) Camera in EVENT (recording) mode and battery nearly discharged (the camera will shut down within a few minutes) 	Four quick beeps (every 20 seconds)	Four times, quickly (every 20 seconds)
Cable disconnect (the camera will shut down)	Three beeps	Six times
Camera memory is full (the camera will not record)	Three beeps	Three times
Camera internal clock not set	Five quick beeps (every 20 seconds)	Five times, quickly (every 20 seconds)

Status LED

When you plug your camera and controller into the Axon Dock, the camera and controller status LEDs display the device status.

Device Status	Status LED
Initial connection (momentary)	Solid red (for 20 seconds or fewer)
In queue awaiting upload	Solid yellow
Device ready (all videos uploaded successfully) and fully charged	Solid green
Device not assigned, agency mismatch, camera set in the offline mode, or device error	Blinking red
Uploading data	Blinking yellow
Firmware update, internal battery charging, extremely low battery, or memory full	Blinking red and yellow – DO NOT remove the camera from the Axon Dock
Transfer error, device re-trying to transfer	Blinking green and yellow
Possible network error. Refer to the Troubleshooting chapter of the User Manual.	Blinking red, yellow, and then green
Axon Dock has no communication with the camera. Contact Axon customer service.	LED off

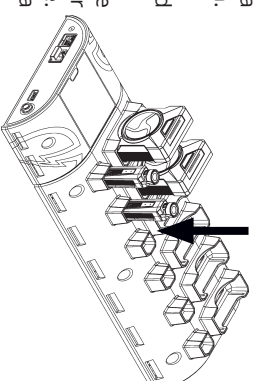
Recharging the Battery and Uploading Data

If you do not have an Axon Dock, upload video with a Windows compatible computer using Evidence Sync: axon.com/syncdownload.

- 1 Ensure the controller is off. Insert the camera and controller into the Axon Dock as shown.

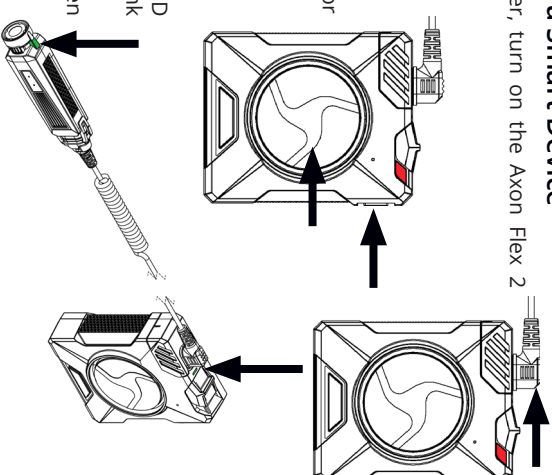
The Axon Dock automatically uploads the data from the camera to Evidence.com and recharges the controller battery. When a video uploads successfully to Evidence.com, that video is removed from the camera. (The camera must be registered to your Evidence.com account.)

- 2 At the beginning of the next shift, ensure that your camera (if one has been assigned to you) displays with a green LED before removing it from the Axon Dock.



Pairing an Axon Flex 2 Camera with a Smart Device

- 1 With the camera connected to the controller, turn on the Axon Flex 2 controller.
- 2 Wait until the Function LED is not lit anymore.
- 3 Hold down the Function and EVENT buttons for 5 seconds.
- 4 Wait until you hear 4 beeps. The Function LED on the controller and the camera LED will blink green.
- 5 On your smart device, follow the onscreen instructions.



Using Axon View

The Axon View application enables you to replay video and add metadata (GPS, title, ID, and category) to your videos using a smart phone or multimedia player.

- 1 Using your smart device, download the Axon View application from the Google Play store or the iTunes App Store. Search Axon View.

- 2 On your smart device, open the Axon View application and follow the onscreen instructions.

Note: All data is stored on the Axon camera. No videos are stored on your smart device. For more information, see the *Axon Flex 2 System User Manual*, *Axon Dock Quick Start Guide*, *Axon View for Android Devices User Manual*, or *Axon View for iOS Devices User Manual*, available at www.axon.com, axon.com/au/, axon.com/uk/.

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MPC0251 Rev: F



293 Eligible Crimes - Advocate Crimes.pdf

**CRIMES ELIGIBLE FOR CONFIDENTIALITY, PER 6254(f)(2) G.C.
(Bold listings: MUST be advised of right to confidentiality, per 293 PC)**

220 PC – Assault w/ intent to commit sex crime or mayhem
261 PC – Rape
261.5 PC – Unlawful Intercourse
262 PC – Spousal Rape
264 PC – (penalties for Rape, additional fine for victim’s program)
264.1 PC – Conspiracy to sexually assault
265 PC – Abduction to force marriage
266 PC – Seduce female under 18 years into house of prostitution
266a PC through 266f PC and 266j PC – Pimping, pandering, and prostitution w/minors
267 PC – Abduction for prostitution
269 PC – Aggravated sexual assault against child
273a PC – Cruelty to a child
273d PC – Unlawful Corporal punishment
273.5 PC – Corporal Injury, spouse or other
285 PC – Incest
286 PC – Sodomy
287 PC - Unlawful oral copulation
288 PC – Lewd act/sex offense against a child
288.2 PC through 288.5 PC and 288.7 PC – Sex offenses involving minors
289 PC – Unlawful penetration, foreign object
422.6 PC – Violation of Civil Rights by discrimination (Misd.)
422.7 PC – Violation of Civil Rights by discrimination w special circumstances (Misd.)
422.75 PC – Violation of Civil Rights by discrimination (Felony)
646.9 PC – Stalking
647.6 PC – Annoy or molest children

CRIMES REQUIRING ADVOCATE ADVISEMENT (264.2(b)(1) PC)
(or notification of Rape Crisis Center if victim transported for a medical exam)

261 PC – Rape
261.5 PC – Unlawful sexual intercourse with a juvenile (“Statutory Rape”)
262 PC – Spousal Rape
286 PC – Sodomy
288a PC – Unlawful oral copulation
289 PC – Unlawful penetration, foreign object

**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
 - A. Response
 - B. Training
 - C. Planning and Prevention
 - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
 - Develop a network to build rapport with community groups

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- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

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

Policy

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

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

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

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

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

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

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2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. 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.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

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

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

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

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. 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.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
 - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - Definition of "hate crime" included from:
 - CPC 422.55
 - CPC 422.56
 - CPC 422.6
 - Title by title specific protocol regarding:
 - Prevention
 - Is contact is established with identified persons and/or communities who are likely targets?
 - Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - Response
 - Requirement that all hate crimes be properly investigated and supervised
 - Requirement that any hate crimes committed under the color of authority are investigated
 - Accessing Assistance
 - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - Victim assistance and follow-up
 - Reporting
 - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - Training
 - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - Does the checklist include first responder responsibilities include:
 - Determining the need for additional resources if necessary?
 - Referral information for appropriate community and legal services?
 - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - Information regarding bias motivation from CPC 422.87
 - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

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

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

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

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

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

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

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

Bias Motivation

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

Disability Bias

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

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

Disability

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

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

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

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

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

Religion

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

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
--	--

HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
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WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>
	<input type="checkbox"/>	<input type="checkbox"/> Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/> Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/> Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No		Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

221 Firearm Purchase ATT A.pdf



INTEROFFICE MEMORANDUM

Date:

To: Jeramy Young, Police Chief

From:

Subject: Retiree Weapon Transfer and Purchase Agreement

Effective I am retiring after of service with the Livermore Police Department. Pursuant to policy section 221, I would like to retain my service firearm as listed below. The firearm will be purchased by me at a rate of fifty percent (50%) of the original amount paid for the item. Upon payment of firearm I will complete and sign the City of Livermore Surplus Property Sale and Disposition Agreement for Handgun Sale to Retiree form. The transfer of the handgun shall be completed through a third party licensed firearms dealer.

Glock

Serial Number

Respectfully submitted,

Date

Approved:

Jeramy Young Date
Chief of Police

(Attachment A – Policy 221)

221 Firearm Purchase ATT D.pdf



INTEROFFICE MEMORANDUM

Date:

To: Jeramy Young, Police Chief

From:

Subject: Resignation Police Badge Purchase Memorandum

Effective , I resigned from the position of . Pursuant to policy section 221, I would like to retain my previous position uniform badge as listed below. The badge will only be displayed as memorabilia. The badge will be purchased by me at a rate of fifty percent (50%) of the original retail cost paid for the item plus applicable sales taxes.

Police Badge Number

Respectfully submitted,

Date

Approved:

Jeramy Young Date
Chief of Police

(Attachment D – Policy 221)

221 Firearm Purchase ATT C.pdf



INTEROFFICE MEMORANDUM

Date:

To: Jeramy Young, Police Chief

From:

Subject: Promotional Police Badge Purchase

Effective , I was promoted to the position of . Pursuant to policy section 221, I would like to retain my previous position uniform badge as listed below. The badge will only be displayed as memorabilia. The badge will be purchased by me at a rate of fifty percent (50%) of the original amount paid for the item.

Police Badge Number

Respectfully submitted,

Date

Approved:

Jeramy Young Date
Chief of Police

(Attachment C – Policy 221)

221 Firearm Purchase ATT B.pdf



INTEROFFICE MEMORANDUM

Date:

To: Jeramy Young, Chief of Police

From:

Subject: Retiree Police Badge Purchase

Effective _____, I am retiring after _____ years of service with the Livermore Police Department. Pursuant to policy section 221, I would like to retain my uniform and flat badge as listed below. The uniform badge will only be displayed as memorabilia. The badges will be purchased by me at a rate of fifty percent (50%) of the original amount paid for the item.

Police Badge Number _____ (Uniform Badge)

Respectfully submitted,

Date
Approved:

Date
Jeramy Young, Chief of Police

(Attachment B – Policy 221)

221 ATT A.pdf



INTEROFFICE MEMORANDUM

Date:

To: Jeramy Young, Police Chief

From:

Subject: Retiree Weapon Transfer and Purchase Agreement

Effective I am retiring after of service with the Livermore Police Department. Pursuant to policy section 221, I would like to retain my service firearm as listed below. The firearm will be purchased by me at a rate of fifty percent (50%) of the original amount paid for the item. Upon payment of firearm I will complete and sign the City of Livermore Surplus Property Sale and Disposition Agreement for Handgun Sale to Retiree form. The transfer of the handgun shall be completed through a third party licensed firearms dealer.

Glock

Serial Number

Respectfully submitted,

Date

Approved:

Jeramy Young Date
Chief of Police

(Attachment A – Policy 221)

**2020 LPD Master Training Plan
Working final copy 01-18-21.pdf**

Livermore Police Department

Master Training Plan

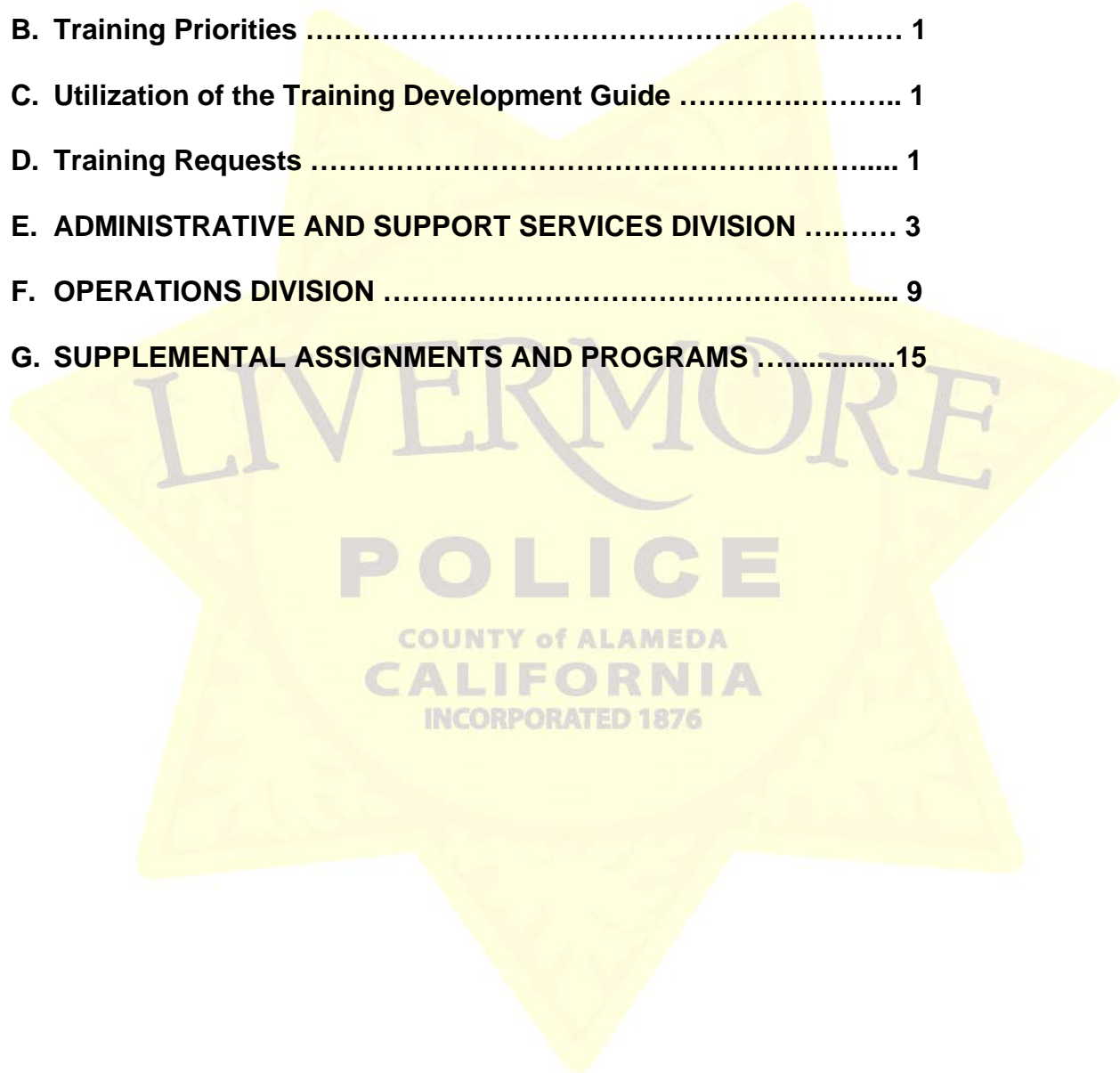


January 2021



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Master Training Plan

Purpose

The Master Training Plan (MTP) is a reference source for supervisors and managers to use in assessing the training needs of Department employees. It is designed so that supervisors will know exactly what training is mandated by the State Legislature, POST, STC and the Livermore Police Department. It also allows for tracking development of employee expertise in their assignment and collateral duties, or their chosen fields of interest. Supervisors should regularly monitor and update their copy of the MTP for their Division.

Training Priorities

Training shall be prioritized in the following manner:

1. Mandated – Training that is required by State law, POST, and STC or by the Department as a prerequisite or on-going requirement to perform the duties of a police officer or any other department position.
2. Essential – Training that is needed for the effective performance of an employee in his/her assignment, or training that meets a need for the Department.
3. Desirable – Training in areas of interest or for individual career enhancement.
4. Area of Expertise – Specialized training in areas that have been identified by staff as necessary or important for the Department to carry out its mission.

Utilization of the MTP

The MTP will be used for the following:

1. To fulfill mandated training requirements.
2. To provide training for professional growth and development.
3. To anticipate current and future training needs.
4. To train for areas of expertise.
5. To provide necessary training for police personnel in order to perform their assigned duties in an effective and efficient manner.

Training Requests

All requests to attend training shall be submitted electronically using an approved format and submitted through the requestor's chain of command. Submitted requests must include all available supporting literature. Completed and approved training requests should be received by the Training Manager no later than 60 days prior to the start date of the requested course. Late applications may result in denial of the training request.

1. The immediate supervisor shall comment regarding the requestor's need, qualifications and performance for the training request and identify the priority: Mandated, Essential or Desirable.
2. Training requests that are approved by the requestor's supervisor and scheduling manager shall be forwarded to the Training Manager for processing.
3. Requests that are denied will be returned to the requestor detailing the reason for denial.

LAW ENFORCEMENT PROFESSIONAL TRAINING

Law Enforcement Professional Training is comprised of two categories. The first/primary category refers to those courses certified by California Peace Officers Standards and Training (P.O.S.T.). These courses are available for both sworn and professional personnel, whose job description supports the need for specified or requested training. Some P.O.S.T. courses are reimbursable to the City's General Fund by the State of California in varying degrees based on their "plan" designation. The categories of expense/allowances that may be reimbursed are: subsistence, commuter lunch, travel, tuition, back-fill salary and training presentation costs. The five reimbursement plans that have been adopted by P.O.S.T. are designated as Plan I, II, III, IV, and V as follows:

Plan I	Plan II	Plan III	Plan IV	Plan V
Subsistence	Subsistence	Subsistence	Subsistence	Subsistence
Commuter Lunch	Commuter Lunch	Commuter Lunch	Commuter Lunch	Commuter Lunch
Travel	Travel	Travel	Travel	Travel
Tuition	Back-fill salary	Tuition		Training Presentation
Back-fill Salary				

In addition to typical classroom settings, P.O.S.T. training is also available through video and/or interactive computer programs.

The second category of Law Enforcement Professional Training refers to training not certified by P.O.S.T. This may come in the form of in-house instruction, such as defensive tactics, range training, etc. In-house instruction is the responsibility of the Livermore Police Department Training Unit and every effort will be made by the Training Sergeant to get courses P.O.S.T. certified for CPT/PSP credit. This type of training provides "hands-on" continuing professional training to Department employees. All officers are assigned to annual mandatory team training days to update basic training needs.

The Training Unit also provides training bulletins that are distributed to employees. These training bulletins contain a variety of law enforcement information, such as legal updates and health advice. Line-level supervisors provide briefing training on a daily basis to each team of officers and staff. Briefing training topics include practical case law application, equipment proficiency, policy review, street tactics, and standard operating procedures. Police Officers take part in LEXIPOL Daily Training Bulletins (DTB's) in order to enhance their knowledge of department policies and procedures. Other forms of non-P.O.S.T. trainings are offered through public and private vendors through seminars, etc. This training is not reimbursable but is frequently very beneficial for the professional development of the employee.

COLLEGE EDUCATION

The City of Livermore is very supportive of their employees obtaining a formal college education. The City of Livermore offers tuition reimbursement related to the employee's present position or to the employee's potential development with the city. All personnel of the Livermore Police Department are encouraged to pursue their educational goals. Tuition reimbursement amounts are specified in employee MOUs. The City of Livermore Tuition Reimbursement Plan is detailed in Administrative Regulation No. 14.

LIVERMORE POLICE DEPARTMENT

MASTER TRAINING PLAN

Training requirements by division/rank/classification - alphabetized

ALL EMPLOYEES

Mandatory:

City Policy Manual
Workplace Harassment/Discrimination
Lexipol Policy Manual
ICS – 100: Intro to ICS
ICS 700: NIMS
G606: SEMS Introduction Course
Biased-based Training
CLETS Training (Full or Less)
CPR/First-Aid (every two years)
24-Hours of CPT training (every two years for sworn and dispatch)

Essential:

Crisis Intervention Team (CIT) Training

Desirable:

ALL EMPLOYEES – INTERNAL SYSTEMS (may be position specific)

Mandatory:

AIRES
ALPR/FLOCK
APBNet
Cal-Gang
Cal-Photo
CAPPS
CLEARS
CRIMS
Evidence.com
inTime
Lexis Nexis/Accurint
Parole Leads
RIMS/CAD

Essential:

Desirable:
Adobe Acrobat

Advanced Adobe Writer
Microsoft Office Suite

ADMINISTRATIVE ASSISTANT TO CHIEF OF POLICE

Mandatory:

Role of the Police Chief's Executive Assistant Course
Microsoft Office Suite

Essential:

Public Records Act
Worker's Compensation
Pitchess Motions

Desirable:

Advanced Microsoft Office Suite
RIMS Conference
inTime Conference

ANIMAL CONTROL OFFICER

Mandatory:

P.C. 832 Arrest and Firearms
Basic A.C. Academy I
Euthanization
Basic Weapons Safety
Bite Stick (baton) training
Report Writing
Civilian Driver's Training

Essential:

Advanced AC Academy II
Chemical Immobilization of Animals

Desirable:

Advanced AC Academy III
Illegal Animal Fighting Course
Interview and Interrogation
Evidence Collection
Report Writing

CADET

Mandatory:

*Civilian Driver Training
O.C. Use
Basic Weapons Safety*

Essential:

Desirable:

Basic Crime Scene Investigation

COMMUNITY SERVICE SPECIALIST

Mandatory:

*Basic Crime Scene Investigation
Basic Collision Investigation
O.C. Use
Civilian Driver Training*

Essential:

*Basic Fingerprinting
Alternate Light Source
Basic Photography Course*

Desirable:

*Advanced Crime Scene Investigation
Blood Spatter
Bullet Trajectory*

COMPUTER SUPPORT TECHNICIAN

Mandatory:

*Computer Forensics
Microsoft Exchange Administration
Microsoft Active Directory
Administration
Sun Ridge Systems RIMS CAD & RMS
Administrator*

Essential:

*Microsoft SQL Server Administrator
Dell EMC Server Administrator
Veeam Backup & Replication*

Desirable:

*VMware vCenter Server
VMware vSphere
VMware*

CRIME ANALYST

Mandatory:

*NCIC
CORPUS
Link Analysis
Intelligence Analysis & Mgmt.
MO Profiling
Crime Mapping (GIS)
Rap Sheet Interpretation (CA DOJ)*

Essential:

*Criminal Offender Registration Program
Advanced Microsoft Office Suite
Crystal Reports
ESRI/Crime Mapping
Public Records Act*

Desirable:

*RIMS Conference
National Crime Analysis Certification
CCIA/IALEIA/LEIU Annual Conference*

CRIME ANALYST REAL-TIME

Mandatory:

*MO Profiling
Intelligence Analysis & Mgmt.
Crime & Intelligence Analysis Level 1/2
FIAT (Foundations of Intelligence
Analysis Training)
NCRIC/Fusion Center Training
OSINT
Rap Sheet Interpretation (CA DOJ)
Terrorism Liaison Officer Basic &
Intermediate (POST)*

Essential:

*Link Analysis
Criminal Offender Registration Program
ESRI/Crime Mapping*

Desirable:

National Crime Analysis Certification
ACCESS
Annual Calif. Gang Investigator's
Conference
Annual RIMS Conference
CCIA/IALEIA/LEIU Annual Conference
Public Records Act

**CRIME PREVENTION
SPECIALIST**

Mandatory:

Basic Crime Prevention
Crime Prevention through
Environmental Design

Essential:

Crime Free Multi-Housing
Advanced Crime Prevention through
Environmental Design

Desirable:

Grant Writing

DIVISION CLERK

Mandatory:

Microsoft Office Suite
Public Records Act
Law Enforcement Records
Privacy and confidentiality

Essential:

Customer Service/Dealing with Difficult
People
Time Management
Project Management

Desirable:

Advanced Microsoft Office Suite

**HORIZONS YOUTH & FAMILY
SERVICES MANAGER - CLINICAL**

Mandatory:

Sexual Harassment Prevention for
Supervisors
Personnel Issues/Legal Update
Effective Management Practices
Clinical Supervision: Principles &
Practices
Law & Ethical Issues

Essential:

Budget & Financial Administration
Wellness in the Workplace
Principles of Delinquency Prevention:

Desirable:

Family Systems
Child and Adolescent Therapy
Suicide Assessment & Intervention

**HORIZONS YOUTH & FAMILY
SERVICES MANAGER –
PROGRAMS**

Mandatory:

Sexual Harassment Prevention for
Supervisors
Personnel Issues/Legal Update
Effective Management Practices
Budget & Financial Administration

Essential:

Effective Time Management
Wellness in the Workplace
Suicide Assessment & Intervention

Desirable:

Managing Change in the Workplace
RFP Development

HORIZONS FAMILY THERAPIST

Mandatory:

Clinical supervision (if licensed)
Law & Ethical Issues (if licensed)

Essential:

Suicide Assessment & Intervention

Working with Traumatized Children & Adolescents
Cultural Diversity Issues
Trauma Informed Care

Desirable:

Child and Adolescent Therapy
Family Systems Theory
Introduction of Play Therapy
Grief and Loss

HORIZONS CASE COORDINATOR

Mandatory:

Clinical supervision (if licensed)
Law & Ethical Issues (if licensed)

Essential:

Suicide Assessment & Intervention
Working with Traumatized Children & Adolescents
Cultural Diversity Issues
Trauma Informed Care

Desirable:

Child and Adolescent Therapy
Family Systems Theory
Introduction of Play Therapy
Grief and Loss

HORIZONS – DIVISION CLERK

Mandatory:

Effective Time Management

Essential:

Cultural Diversity Issues
Managing Change in the Workplace

Desirable:

Brochure/Graphic Design

HORIZONS – SENIOR CLERK

Mandatory:

Effective Time Management

Essential:

Cultural Diversity Issues

Desirable:

Brochure/Graphic Design

IDENTIFICATION TECHNICIAN

Mandatory:

Fingerprint Comparison and Classification
Advanced Latent Print Comparison
Palm Print Comparison
Crime Scene and Forensic Photography
Fuji IR Camera Course
Basic DNA training
CODIS (CHOP)
CAL-ID Workstation Certification
Basic Crime Scene Investigation
Advanced Crime Scene Investigation
Bullet Trajectory
Blood Spatter

Essential:

Fire Investigation 1A – Basic Fire Investigation
Fire Investigation 1B – Evidence and Documentation

Desirable:

IAI Conference
Serial Number Restoration
Firearms Handling and Processing
Post Blast

INFORMATION TECHNOLOGY COORDINATOR

Mandatory:

Project Management Principles
Contract Management
Building Secure Networks
Cyber Security Fundamentals
FBI CJIS/CA DOJ CLETS Policy

Essential:

*Wireless & Mobile
Networking/5G/FirstNet
Budget Essentials
GIS Data Management
Next Generation 9-1-1
Data Warehouse Technologies*

Desirable:

*Fiber Optic Networks
Security Camera Operations
Mobile App Integration
Presentation Skills*

MANAGER, SUPPORT SERVICES

Mandatory:

*Post Mid-Management
Records Supervisory Course
Crisis Intervention Training
Public Records Act
POST Dispatch Supervisor Course
POST Property and Evidence
Management*

Essential:

*Stress Management
NENA – Center Manager Certification
Program (CMCP)
IAPE – Property and Evidence Room
Management
RIMS Conference*

Desirable:

*NENA – Emergency Number
Professional Certification (ENP)
APCO – Registered Public Safety
Leader Certification (RPL)*

**PROPERTY / EVIDENCE
TECHNICIAN**

Mandatory:

*Property and evidence Management
Biohazard Safety
Firearms Safety*

*Basic Evidence Collection and
Packaging
Records Management
Biohazard Handling of Materials
DOJ Firearms
E-TRACE/ATF*

Essential:

*Annual C.A.P.E. Conference
Understanding of Narcotics
Public Records Act*

Desirable:

RIMS Conference

PUBLIC SAFETY DISPATCHER

Mandatory:

*Basic Dispatcher (within 1 year of
appointment)*

Essential:

*Disaster Operations in the
Communications Center
Dispatcher Update Course (every 2
years)*

Desirable:

*Contemporary Business Writing
Dispatch Ethics and Leadership
Tactical Dispatcher
Basic Hostage Negotiations
CTO
IS 144: Telecommunicator Emergency
Response Taskforce (TERT)
Leadership in the Communications
Center
Change Management in 9-1-1
NENA: Emergency Number Professional
APCO: Registered Public Safety Leader
Program
Managing Generations and Wellness
Courtroom Testimony
Next Gen 9-1-1
Tactical Incidents Concepts
Warrants Conference*

CCUG Conference

**PUBLIC SAFETY DISPATCHER,
SENIOR**

Mandatory:

Communications Training Officer
School (Within 1 year of appointment)
ICS 800: NIMS/SEMS
POST Supervisory, Civilian (within 3
years of appointment)
AC Alert ADMIN Training

Essential:

Fundamentals of Supervision
CTO update
Assertive Supervision
Professional Standards
Effective Employee Evaluations

Desirable:

APCO Conference
NENA Conference
RIMS Conference

**PUBLIC SAFETY DISPATCHER
SUPERVISOR**

Mandatory:

POST Civilian Supervision
RIMS Conference
Public Records Act

Essential:

Assertive Supervision
Management Development
Employee relations
POST-Assertive Supervision
Conflict Resolution & Confrontation
Skills
Public Safety Dispatcher Liability
CTO or Supervisor Update
Fundamentals of Supervision
Assertive Supervision
NENA Conference

Desirable:

RIMS Conference
Defeating Dispatch Drama for Peak
Performance
Dispatch Stress Management for
Supervisors and Managers
Courtroom Testimony
APCO Conference
CCUG Conference (for CLETS trainers
or ACC of the department)

**PUBLIC SAFETY DISPATCHER,
TACTICAL UNIT**

Mandatory:

Basic Tactical Dispatcher Course
Hostage Negotiator Training School

Essential:

Updated Hostage Negotiator
CAHN Quarterly Trainings

Desirable:

CAHN Annual Conference
DV for Hostage Negotiators

RECORDS CLERK

Mandatory:

P.O.S.T. Records course
Public Records Act (PRA)

Essential:

Conflict Management
Customer Service
DOJ: Hate Crime Training
DOJ: Bureau of Firearms
DOJ: Rap Sheet Interpretation
DOJ: Juvenile Sealing

Desirable:

Developing the Leader in You (ALCO)
Peer Coaching
Contemporary Business Writing
CLEARs Conference
CCUG Conference

RIMS Conference

RECORDS CLERK, SENIOR

Mandatory:

Civilian POST Supervisory

Essential:

Developing Effective Teams

Peer Coaching

Contemporary Business Writing

Desirable:

Assertive Supervision

Building a Model Police Records Unit

CLEARs Conference

CCUG Conference

Conflict Resolution

Customer Service Training

Performance Evaluations

RIMS Conference

SWORN POSITIONS

RECORDS SUPERVISOR

Mandatory:

P.O.S.T. Supervisory course

Civilian Police Leadership

Essential:

Assertive Supervision

Building a Model Police Records Unit

Developing Effective Teams

Desirable:

CLEARs Conference

CCUG Conference

RIMS Conference

CAPTAIN, OPERATIONS DIVISION

Mandatory:

*Role of the Police Chief
Law Enforcement Risk Management
Executive Development
Critical Incident Management
Disaster Preparedness / Management
Incident Command Systems
Public Information Officer*

Essential:

*Grant Writing
Internal Affairs Investigation*

Desirable:

*POST Command College
FBI Academy*

CAPTAIN, SUPPORT SERVICES DIVISION

Mandatory:

*Role of the Police Chief
Law Enforcement Risk Management
Executive Development
Critical Incident Management
Disaster Preparedness / Management
Incident Command Systems
Public Information Officer*

Essential:

*Grant Writing
Internal Affairs Investigation*

Desirable:

*POST Command College
FBI Academy*

CHIEF OF POLICE

Mandatory:

*Executive Development Course
Management Class*

Essential:

*Role of the Police Chief
California Police Chief's Conference
International Association of Police
Chief's Conference*

Desirable:

*POST Command College
FBI National Academy
WestPoint Leadership
IACP Leadership in Police
Organizations (LPO)
Media Relations PIO Course
Master's Degree in related field
Bachelor's Degree in related field*

DETECTIVE, CRIMES AGAINST PERSONS

Mandatory:

*ICI Core Basic Investigation
DOJ Missing Persons
Homicide Investigation
Search Warrant Writing
Interview and Interrogation
Officer Involved Shooting*

Essential:

*Advanced Homicide Investigation
Kidnap Investigation
Robbery Investigation
Child Abduction
Elder Abuse*

Desirable:

*Evidence Collection/Recognition
CHIA Conference
Domestic Violence
Gang Investigation*

DETECTIVE, GENERALIST (1 YEAR)

Mandatory:

*Interview and Interrogation
Search Warrant Writing*

Essential:
ICI Core Basic Investigation

Desirable:
*ICI Financial Crimes Investigation
Organized Retail Theft Investigation*

**DETECTIVE, JUVENILE / SEXUAL
ASSAULT**

Mandatory:
*ICI Core Basic Investigation
Sexual Assault Investigation
Child Abuse or Neglect Investigation
Child Sexual Assault Investigation
Internet Crimes Against Children
Search Warrant Writing
Interview and Interrogation*

Essential:
*Victimology/Profiling
Interviewing Children
CSAIA Conference
Advanced Child Abuse Investigation
Advanced Sexual Assault Investigation*

Desirable:
*Basic Field Evidence Technician
Homicide Investigation*

**DETECTIVE, PROPERTY CRIMES
BURGLARY / THEFT**

Mandatory:
*ICI Core Basic Investigation
ICI Burglary Investigation
Search Warrant Writing
Interview and Interrogation*

Essential:
*ICI Financial Crime Investigation
Identity Theft Investigation*

Desirable:
*Basic Field Evidence Technician
Informant Development
Auto Theft Investigation
White Collar Crimes*

**DETECTIVE, PROPERTY FRAUD /
TECHNOLOGY CRIMES**

Mandatory:
*ICI Core Basic Investigation
Internet Crimes
Internet Crimes Against Children
Seizure/Exam of Computers
Search Warrant Writing
Interview and Interrogation
Cellphone Forensics (Cellebrite)
Computer Forensics (EnCase or IEF)*

Essential:
*Specific training for forensic lab
tools/software*

Desirable:
Basic Field Evidence Collection

LIEUTENANT

Mandatory:
*POST Management Course
Emergency Management Course
Public Information Officer
Internal Affairs Investigations*

Essential:
*Budget Preparation Course
Worker's Compensation/Disability
Retirement Issues
Annual Legal Update*

Desirable:
*P.O.S.T. Command College
FBI National Academy
Grant Writing*

**LIEUTENANT, INVESTIGATION
AND TRAFFIC UNIT**

Mandatory:

*Traffic Management
Special Event Management
Investigations Unit Management*

Essential:

*Annual Legal Update
OTS Conference
Basic Asset Seizure
Narcotics Supervisory Course*

Desirable:

*Northwestern University Traffic
Program
Life Savers Conference*

POLICE OFFICER

Mandatory:

*Basic Collision Investigation
Draeger Training
Standardized FST's
EVOC Update (biannually)
Patrol Rifle School*

Essential:

*Interview and Interrogation
Drug Abuse Recognition*

Desirable:

*Drug Recognition Expert
Basic Field Evidence Collection
Search Warrant A to Z
RADAR/LIDAR for Patrol
Officer Safety and Field Tactics (CSTI)*

POLICE OFFICER, CANINE

Mandatory:

*P.O.S.T. Basic Handler Course
P.O.S.T. Detection
Canine First-Aid*

Essential:

*Advanced Tracking
SKIDDS (Deploying with Tactical Team)
Beginning Tracking*

Desirable:

*Canine Agitator
WSPCA Working Dog Conference
H.I.T.S. Canine Conference
P.O.S.T. Canine Evaluator*

**POLICE OFFICER, CRIME
PREVENTION**

Mandatory:

*Basic Crime Prevention
Crime Prevention through
Environmental Design*

Essential:

*Crime Free Multi-Housing
Advanced Crime Prevention through
Environmental Design
Problem-Oriented Policing Conference*

Desirable:

Grant Writing

**POLICE OFFICER, FIELD
TRAINING**

Mandatory:

*Basic FTO Course and/or
FTO Update
Officer Safety and Field Tactics (CSTI)
Search Warrant A to Z*

Essential:

*Critical Incident Response for
Supervisors*

Desirable:

*Report Writing Instructor Course
POST Supervisory Course
Drug Recognition Expert*

POLICE OFFICER, NARCOTICS UNIT

Mandatory:

*Basic Narcotics Investigation
Search Warrant A to Z
High-Risk Search Warrant
Informant Development
CNOA Conference*

Essential:

*Interview and Interrogation
Vice Investigation*

Desirable:

*Drug Recognition Expert
Basic Clandestine Lab*

POLICE OFFICER, SCHOOL RESOURCE

Mandatory:

*Basic SRO course
Campus Law Enforcement Course*

Essential:

*Finding Solutions to School Violence (24 hr.)
Intermediate SRO course
Hate-motivated Behavior*

Desirable:

*School Partnership Conference
School Law Enforcement Conference
School Resource Officer Conference
Safe School Planning
Child Abuse
Gang Awareness
Gender Awareness
Mental Health Training*

POLICE OFFICER, TRAFFIC (INCLUDING MOTORS)

Mandatory:

*Basic Motorcycle Officer Course (Motor officers only)
Basic Collision Investigation*

Essential:

*Intermediate Traffic Collision Investigation
Advanced Traffic Collision Investigation
Radar/Lidar
Forensic Mapping
SFST/ARIDE/DAR*

Desirable:

*Commercial Enforcement
Occupant Protection
Auto vs. Pedestrian Collision Investigation
Traffic Collision Reconstruction
CDR/EDR Retrieval System
Speed from Crush
Drug Recognition Expert
Intermediate Traffic Collision Investigation
Advanced Traffic Collision Investigation*

RESERVE OFFICER

Mandatory:

*All Mandated Officer CPT Training
Draeger Training
EVOC (every 2-years)*

Essential:

Annual Reserve Conference

Desirable:

None

SERGEANT

Mandatory:

*POST Supervisory Course
Critical Incident Management
Legal Update
IA Investigations
High Technology Crimes & Computer
Seizure*

Essential:

*Critical Incident Response for
Supervisors
Officer Involved Shooting
Sherman Block Supervisory Leadership
Institute (S.L.I.)*

Desirable:

*Public Information Officer
POST Mid-management*

SERGEANT, CRIMINAL INVESTIGATIONS BUREAU

Mandatory:

*Officer-Involved Shooting
Homicide Investigation
Search Warrant A to Z
DOJ Missing Persons*

Essential:

*CHIA Conference
CSAIA Conference
Legal Update
Child Abduction*

Desirable:

Internet Crimes Against Children

SERGEANT, NARCOTIC UNIT

Mandatory:

*Narcotic Unit Supervision
Informant Development
High-Risk Search Warrant
Basic Asset Forfeiture*

Search Warrant A to Z

Essential:

*Basic Narcotics Investigation
Interview and Interrogation
Vice Investigation
CNOA Conference*

Desirable:

*Drug Recognition Expert
Basic Clandestine Lab*

SERGEANT, SCHOOL RESOURCE

Mandatory:

*SRO School
Campus Supervisor
Juvenile Law Enforcement
Tactical Response to School and
Community Violence*

Essential:

*Vulnerability Assessment of School
Facilities
Child Abuse or Neglect Investigation*

Desirable:

Active Shooter Instructor

SERGEANT, PROFESSIONAL STANDARDS UNIT

Mandatory:

*Basic Internal Affairs Investigation
Advanced Internal Affairs Investigation
Officer Involved Shooting
POBAR School
Human Error/Force Encounter School
Managing Police Discipline
IA Pro/Blue Team Conference
Background Investigations*

Essential:

*Training Manager Course
Lexipol Training Course
Pitches Motion*

*Americans for Effective Law
Enforcement Conference*

Desirable:

*Use of Force Update Course
Training Manager Course
Force Science Certification School*

SERGEANT, TRAFFIC UNIT

Mandatory:

*Basic Motorcycle Officer Course (For
riding sergeant)
Collision Investigation
Radar/LIDAR Certified
Forensic Mapping
Grant Writing/Grant Management*

Essential:

*Traffic Collision Reconstruction
Traffic Management Course
Motor Instructor*

Desirable:

*Traffic Haz-Mat Incident Management
Life Savers Conference
Occupant protection
Train Col. Investigation
Auto vs. Bicycle Collision Investigation*

**SERGEANT, TRAINING
MANAGER**

Mandatory:

*POST Training Coordinator
POST Training Manager's Course
POST Training Administrator Course
Background Investigation
POBAR Training
Pitchess Motion
IA Pro/Blue Team Conference*

Essential:

*Managing Police Discipline
Lexipol Conference*

Desirable:

*CAPTO Conference
POST Training Manager*

SUPPLEMENTAL ASSIGNMENTS

CRIME SCENE TECHNICIAN

Mandatory:

*Basic Field Evidence Technician
Crime Scene and Forensic Photography*

Essential:

*Advanced Crime Scene Investigation
DNA Collection
Basic Bloodstain Pattern
Analysis/Documentation
Basic Bullet Trajectory*

Desirable:

*Alternate Light Source
Arson 1A
IAI Conference*

DEFENSIVE TACTICS INSTRUCTOR

Mandatory:

*Basic Defensive Tactics Instructor
Course
Baton Instructor
Chemical Agents Instructor Course
Taser Instructor Course
Gracie Survival Tactics Instructor
Course
WRAP Instructor Course
Mobile Field Force/Crowd Control
Instructor
Riot Shield Instructor*

Essential:

*Krav Maga Instructor Course
Institute for the Prevention of In-
Custody Deaths (IPICD) Conference
Wheelchairs: Contact and Control Train
the Trainer (IPICD)
Any recertification of mandatory courses*

Desirable:

*Force Science
De-escalation
Legal Update*

Use of Force Report Writing

EXPLORER POST ADVISOR

Mandatory:

Boy Scouts Youth Protection Training

Essential:

Desirable:

Ex-Con Advisor Conference

EXPLORER POST COORDINATOR

Mandatory:

Boy Scouts Youth Protection Training

Essential:

Desirable:

Ex-Con Advisor Conference

LIEUTENANT, CANINE PROGRAM

Mandatory:

Canine Supervisor

Essential:

*Canine Agitator
WSPCA Working Dog Conference
H.I.T.S. K-9 Conference
P.O.S.T. Canine Evaluator*

Desirable:

LIEUTENANT, FIELD TRAINING OFFICER PROGRAM

Mandatory:

FTO Program Management

Essential:

Desirable:

FTO Update

**LIEUTENANT, TACTICAL
COMMANDER**

Mandatory:

*Tactical Command for SWAT
Tactical Command for CNT*

Essential:

*Supervising High-Risk Operations
Tactical liability*

Desirable:

*CATO Annual Conference
NTOA Annual Conference*

MENTOR

Mandatory:

Developing a Mentor Program

Essential:

Desirable:

*Leadership, Mentoring, and Coaching
(GTA)*

MENTOR COORDINATOR

Mandatory:

Developing a Mentor Program

Essential:

Desirable:

*Leadership, Mentoring, and Coaching
(GTA)*

**POLICE OFFICER, ARSON
INVESTIGATOR**

Mandatory:

*Fire Investigation 1A – Basic Fire
Investigation
Fire Investigation 1B – Evidence and
Documentation
ICI Arson/Explosives Investigation*

Essential:

*Fire Investigation 1C – Preparation for
Legal Proceedings crime
SLO-FIST Fire Death Investigation*

Desirable:

**POLICE OFFICER, CRISIS
NEGOTIATION**

Mandatory:

*Basic Negotiator Course (40-hrs.)
CAHN Annual Conference*

Essential:

Advanced Negotiator Course

Desirable:

*Negotiation Team Leader course
Executive Protection*

POLICE OFFICER, S.W.A.T. TEAM

Mandatory:

*Basic SWAT Academy
Basic Sniper (position specific)
Night Vision Operator
Advanced Team Tactics (every 2 years)
Breacher Instructor course (position
specific for both mechanical and
shotgun)
Chemical Agents Instructor (position
specific)
Rappel Master for Instructors (position
specific)
Distraction Device Instructor (position
specific)*

Essential:

*Tactical Rifle
Range Master
Tactical Pistol
TCCC
Advanced Sniper (position specific)
Chemical Agents*

Executive Protection
Basic Rappel/Obstacle Clearing
Night Vision Instructor (position specific)
EMT (position specific)
Close Quarter Battle
Vehicle CQB
Armored Vehicle Operator

Desirable:

SWAT Team Leader (position specific)
CATO Conference
NTOA Conference
Advanced Pistol
Advanced Rifle

PUBLIC INFORMATION OFFICER

Mandatory:

Basic PIO School (CSTI)
Livestream and Smartphone Video
Workshop by Kerry Shearer
California Public Records Act

Essential:

Advance PIO School (CSTI)
Social Media Boot Camp

Desirable:

Government Social Media Conference
California Association of Public Information Officers
Emergency Management (EOC) Training

RANGE INSTRUCTOR

Mandatory:

Range Master Course
Handgun Instructor
Rifle Instructor
Less-lethal Instructor (40mm/12ga, FN303)

Essential:

Glock Armorer Course
Colt Armorer Course
Active-shooter Instructor
Tactical Rifle Instructor
FN303 Armorer
12-ga Shotgun Armorer

Desirable:

Live-fire Shoot House Instructor
Force Science Instructor

RANGE-MASTER & ASSISTANT RANGE-MASTER

Mandatory:

Range Master Course
Force Science Instructor
Handgun Instructor
Rifle Instructor
Less-lethal Instructor (40mm/12ga, FN303)

Essential:

Glock Armorer Course
Colt Armorer Course
Active-shooter Instructor
Tactical Rifle Instructor
FN303 Armorer
12ga Shotgun Armorer

Desirable:

Live-fire shoot house instructor

REALITY-BASED TRAINING OFFICER

Mandatory:

RBT Instructor School
Force Science Certification School
Active Threat Shooter Instructor School (FLTEC)
Tactical Shield Instructor School
Use It, Tell It, Write It (CNOA)

Essential:

Human Error and Force Encounters

Officer Safety and Field Tactics (CSTI)
Legal Updates (CPOA)
Legally Justified, But was it Avoidable
(Calibre Press)
Realistic De-Escalation Instructor
Course (Force Science)
Response Tactics for Critical Incidents
and In-Progress Crimes

Desirable:

Street Survival Seminar (Calibre Press)
Body Camera and Other LE Recordings
Force Science Annual Conference
Force Science Advanced Specialist

SERGEANT, CANINE PROGRAM

Mandatory:

Canine Supervisor

Essential:

Canine Agitator
WSPCA Working Dog Conference
H.I.T.S. Canine Conference
P.O.S.T. Canine Evaluator

Desirable:

SERGEANT, FIELD TRAINING PROGRAM

Mandatory:

FTO Management

Essential:

FTO Update

Desirable:

SERGEANT, PUBLIC INFORMATION OFFICER

Mandatory:

Basic PIO School (CSTI)
Livestream and Smartphone Video
Workshop by Kerry Shearer

California Public Records Act

Essential:

Advance PIO School (CSTI)
Social Media Boot Camp

Desirable:

Government Social Media Conference
California Association of Public
Information Officers
Emergency Management (EOC)
Training

SERGEANT, REALITY-BASED TRAINING OFFICER

Mandatory:

RBT Instructor School
Force Science Certification School
Active Threat Shooter Instructor School
(FLTEC)
Human Error and Force Encounters
Force Science Advanced Specialist
Use It, Tell It, Write It (CNOA)

Essential:

Officer Safety and Field Tactics (CSTI)
Advanced Tactics for Patrol, Vehicle
Stops, Officer Safety
Legal Updates (CPOA)
Legally Justified, But was it Avoidable
(Calibre Press)
Body Camera and Other LE Recordings
Response Tactics for Critical Incidents
and In-Progress Crimes

Desirable:

Street Survival Seminar (Calibre Press)
Force Science Annual Conference

SERGEANT, RESERVE COORDINATOR

Mandatory:

Reserve Coordinator Course

Essential:

None

Desirable:

Annual Reserve Conference

SERGEANT, SWAT TEAM LEADER

Mandatory:

*SWAT Team Leader
Negotiation Team Leader
Sniper Team Leader
Long Rifle Instructor
Range Master
Tactical Liability*

Essential:

*Tactical Commander
Basic Negotiator (for SWAT Team Leaders)
Advanced Sniper (position specific)
Advanced SWAT
Advanced Negotiator (position specific)
CATO Conference
NTOA Conference
NTOA LEAD Program*

Desirable:

*Tactical Leadership
Counter-Terrorism*

VOLUNTEER COORDINATOR

Mandatory:

Special Event Management course

Essential:

*Introduction Into Law Enforcement
Chaplaincy*

Desirable:

Law Enforcement Volunteers of California

Acceptable Stop Data Narrative Entries.pdf

ACCEPTABLE STOP DATA NARRATIVE ENTRIES

NARRATIVE FIELDS: The narrative field is up to 250-characters max. It should provide additional context beyond the information provided in the provided data elements and should not repeat information that has already be conveyed. Plain language should be used because these records are intended to be accessible to the public. Some abbreviations may be obvious to the peace officer but may not be obvious to others. Therefore, avoid abbreviations and departmental codes for clarity.

INFORMATION THAT SHOULD NOT BE INCLUDED IN NARRATIVE FIELDS: Names, residential addresses, and other personal information of the person stopped should never be included in any narrative field. Nor should the names, badge numbers, or other unique identifying information about any officers be included.

LOCATION	1472 First Street Livermore, CA 94550	<i>Not Acceptable</i>
LOCATION	Parking lot on the corner of First Street and N. P Street	Acceptable
REASON	Illegal left turn entry made on behalf of Officer Smith #99	<i>Not Acceptable</i>
REASON	Officers were flagged down by Starbucks employee and advised that the suspect was shopping inside the store. The suspect walked out of the store without paying.	Acceptable
BASIS	The subject has a bloody right hand. Matched the description of one of the two parties in a fight. Person sitting inside vehicle with no front plate and tinted windows. Person on probation for firearm. Person ordered out of vehicle per case law. Conducted vehicle search and pat down search both with negative results. FALK arrived and provided aid.	<i>Not Acceptable</i>
BASIS	Person sitting inside vehicle with no front plate and tinted windows. Person on probation for firearm. Person ordered out of vehicle per case law. Conducted vehicle search and pat down search both with negative results.	Acceptable
MISC.	Sleeping on sidewalk with meth pip in hand. Meth is bad and illegal. Meth creates bad habits and illegal nefarious activities.	<i>Not Acceptable</i>
MISC.	Community Care Taking Function. Mental Health Detention. PS: This DOJ system does not let me input 5150 W&I. Please fix it.	<i>Not Acceptable</i>

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
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WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/> Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/> Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/> Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

DOJ Stop Data Collection Form CJIS 2000.pdf



STOP DATA COLLECTION FORM

Racial & Identity Profiling Act – Penal Code Sections 13012 and 13519.4, and Gov. Code 12525.5

PLEASE NOTE:

- The data collected on this form must be electronically submitted to the California Department of Justice (DOJ), Stop Data Collection System by entry into the Web Application or submission by Web Services or Secure File Transfer.
- Please contact your agency's local administrator for instructions on processing this record for submission to the DOJ. If needed, the DOJ can be reached at (916) 210-3305 or StopDataSupport@doj.ca.gov.
- If multiple persons are related to one stop, complete a separate form (sections III–IX) for each person and report as one incident.
- If the stop involves a student at a K–12 public school, then some fields may have additional options available for reporting. These items are noted with an asterisk (*), and shown in *red italics*.

I. REPORTING OFFICER	AGENCY ORI:		OFFICER ID:	OFFICER'S YEARS OF EXPERIENCE:
	OFFICER'S TYPE OF ASSIGNMENT: <i>(Select one)</i>			
II. SETTING	<input type="checkbox"/> Patrol, traffic enforcement, field operations	<input type="checkbox"/> Roadblock or DUI sobriety checkpoint	<input type="checkbox"/> Investigative/detective	
	<input type="checkbox"/> Gang enforcement	<input type="checkbox"/> Narcotics/Vice	<input type="checkbox"/> Other	
	<input type="checkbox"/> Compliance Check	<input type="checkbox"/> Task Force	If other, specify: _____	
	<input type="checkbox"/> Special Events	<input type="checkbox"/> K–12 Public school		
	DATE: (MM/DD/YYYY) TIME: (HH:MM use 24 hr clock) DURATION OF STOP: (minutes) RESPONSE TO CALL FOR SERVICE? Yes <input type="checkbox"/> No			
LOCATION: <i>(Report as: Block number and street name; or closest intersection; or highway and closest highway exit. If none of these are applicable, please report a road marker, landmark, or other description. Do not provide the exact address of a residence)</i>				
CITY: <i>(If City is not applicable because stop occurred in unincorporated area, report the County)</i>		COUNTY: <i>(Only required when City is not applicable)</i>		
IF STOP OCCURRED AT A K–12 PUBLIC SCHOOL, REPORT SCHOOL NAME:		IS PERSON STOPPED A STUDENT? * <i>(Only complete if stop is at a K–12 public school)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No		
OFFICER PERCEPTION OF	PERCEIVED RACE OR ETHNICITY: <i>(Select all that apply)</i>			
	<input type="checkbox"/> Asian	<input type="checkbox"/> Middle Eastern or South Asian	<input type="checkbox"/> Pacific Islander	
	<input type="checkbox"/> Black/African American	<input type="checkbox"/> Native American	<input type="checkbox"/> White	
	<input type="checkbox"/> Hispanic/Latino(a)			
	PERCEIVED GENDER: <i>(When applicable, you may select "Gender nonconforming" as the only value or in addition to one of the other values)</i>			
<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Transgender man/boy	<input type="checkbox"/> Transgender woman/girl	<input type="checkbox"/> Gender nonconforming
PERCEIVED TO BE LGBT? <input type="checkbox"/> Yes <input type="checkbox"/> No	PERCEIVED AGE: <i>(approximate age; report as a whole number)</i>		LIMITED OR NO ENGLISH FLUENCY? <input type="checkbox"/> Yes <input type="checkbox"/> No	
PERCEIVED OR KNOWN DISABILITY: <i>(Select all that apply)</i>				
<input type="checkbox"/> Deafness or difficulty hearing	<input type="checkbox"/> Mental health condition	<input type="checkbox"/> None		
<input type="checkbox"/> Speech impairment or limited use of language	<input type="checkbox"/> Intellectual or developmental disability, including dementia	<input type="checkbox"/> * <i>Disability related to hyperactivity or impulsive behavior</i>		
<input type="checkbox"/> Blind or limited vision	<input type="checkbox"/> Other disability			



STOP DATA COLLECTION FORM

Racial & Identity Profiling Act – Penal Code Sections 13012 and 13519.4, and Gov. Code 12525.5

REASON FOR STOP: *(Select the primary reason for stop)*

- Traffic Violation: *(Specify type of traffic violation)* Moving Equipment Non-moving

Code section related to violation: _____

- Reasonable suspicion that the person was engaged in criminal activity

Select all that apply to describe the basis of suspicion:

- Officer witnessed commission of a crime
- Matched suspect description
- Witness or victim identification of suspect at the scene
- Carrying suspicious object
- Actions indicative of casing a victim or location
- Suspected of acting as a lookout
- Actions indicative of a drug transaction
- Actions indicative of engaging in a violent crime
- Other reasonable suspicion of a crime

If known, Code for suspected violation: _____

- Known to be on parole/probation/PRCS/mandatory supervision
- Knowledge of outstanding arrest warrant/wanted person
- Investigation to determine whether the person is truant
- Consensual encounter resulting in a search
- * Possible conduct warranting discipline under Education Code (EC) 48900, et al

Code Section: 48900 48900.2 48900.3 48900.4 48900.7

When EC 48900 is selected, specify the subdivision: _____

- * Determine whether the student violated school policy

REASON FOR STOP – BRIEF DESCRIPTION: *(Provide a brief explanation, 250 character maximum. This explanation should include detail beyond the general data values selected above. Do not include any personally identifying information of the person stopped or unique identifying information of any officer in this description)*

IV. REASON FOR STOP



STOP DATA COLLECTION FORM

Racial & Identity Profiling Act – Penal Code Sections 13012 and 13519.4, and Gov. Code 12525.5

ACTIONS TAKEN: (Select all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Person removed from vehicle by order | <input type="checkbox"/> Baton or other impact weapon used |
| <input type="checkbox"/> Person removed from vehicle by physical contact | <input type="checkbox"/> Chemical spray used
(e.g., pepper spray, mace, tear gas, or other chemical irritants) |
| <input type="checkbox"/> Field sobriety test conducted | <input type="checkbox"/> Other physical or vehicle contact |
| <input type="checkbox"/> Curbside detention | <input type="checkbox"/> Person photographed |
| <input type="checkbox"/> Handcuffed or flex cuffed | <input type="checkbox"/> Asked for consent to search person
Specify if consent was given: Yes No |
| <input type="checkbox"/> Patrol car detention | <input type="checkbox"/> Search of person was conducted **Complete BASIS FOR SEARCH |
| <input type="checkbox"/> Canine removed from vehicle or used to search | <input type="checkbox"/> Asked for consent to search property
Specify if consent was given: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Firearm pointed at person | <input type="checkbox"/> Search of property was conducted **Complete BASIS FOR SEARCH |
| <input type="checkbox"/> Firearm discharged or used | <input type="checkbox"/> Property was seized **Complete PROPERTY SEIZURE |
| <input type="checkbox"/> Electronic control device used | <input type="checkbox"/> Vehicle impounded |
| <input type="checkbox"/> Impact projectile discharged or used
(e.g., blunt impact projectile, rubber bullets, or bean bags) | <input type="checkbox"/> * Admission or written statement obtained from student |
| <input type="checkbox"/> Canine bit or held person | <input type="checkbox"/> None |

BASIS FOR SEARCH: (Only applicable when the Actions Taken include "Search of person was conducted" and/or "Search of property was conducted. Select all that apply)

- Consent given
- Officer safety/safety of others
- Search warrant
- Condition of parole/probation/PRCS/mandatory supervision
- Suspected weapons
- Visible contraband
- Odor of contraband
- Canine detection
- Evidence of crime
- Incident to arrest
- Exigent circumstances/emergency
- Vehicle inventory (for search of property only)
- *Suspected violation of school policy

BASIS FOR SEARCH – BRIEF DESCRIPTION: (Provide a brief explanation, 250 character maximum. This explanation should include detail beyond the general data values selected above. Do not include any personally identifying information of the person stopped or unique identifying information of any officer in this description. When the Basis for Search is "Condition of parole/probation/PRCS/mandatory supervision," this description is not required)

V. ACTIONS TAKEN



STOP DATA COLLECTION FORM

Racial & Identity Profiling Act – Penal Code Sections 13012 and 13519.4, and Gov. Code 12525.5

VI. PROPERTY SEIZURE	<p>BASIS FOR PROPERTY SEIZURE: <i>(Only applicable when the Actions Taken include "Property was seized")</i></p> <p>Select all that apply:</p> <ul style="list-style-type: none"><input type="checkbox"/> Safekeeping as allowed by law/statute<input type="checkbox"/> Contraband<input type="checkbox"/> Evidence<input type="checkbox"/> Impound of vehicle<input type="checkbox"/> Abandoned property<input type="checkbox"/> * <i>Suspected violation of school property</i>	<p>TYPE OF PROPERTY SEIZURE: <i>(Only applicable when the Actions Taken include "Property was seized")</i></p> <p>Select all that apply:</p> <table style="width: 100%;"><tr><td><input type="checkbox"/> Firearm(s)</td><td><input type="checkbox"/> Drug paraphernalia</td></tr><tr><td><input type="checkbox"/> Ammunition</td><td><input type="checkbox"/> Suspected stolen property</td></tr><tr><td><input type="checkbox"/> Weapon(s) other than firearm</td><td><input type="checkbox"/> Cell phone(s) or electronic device(s)</td></tr><tr><td><input type="checkbox"/> Drugs/narcotics</td><td><input type="checkbox"/> Vehicle</td></tr><tr><td><input type="checkbox"/> Alcohol</td><td><input type="checkbox"/> Other contraband or evidence</td></tr><tr><td><input type="checkbox"/> Money</td><td></td></tr></table>	<input type="checkbox"/> Firearm(s)	<input type="checkbox"/> Drug paraphernalia	<input type="checkbox"/> Ammunition	<input type="checkbox"/> Suspected stolen property	<input type="checkbox"/> Weapon(s) other than firearm	<input type="checkbox"/> Cell phone(s) or electronic device(s)	<input type="checkbox"/> Drugs/narcotics	<input type="checkbox"/> Vehicle	<input type="checkbox"/> Alcohol	<input type="checkbox"/> Other contraband or evidence	<input type="checkbox"/> Money	
<input type="checkbox"/> Firearm(s)	<input type="checkbox"/> Drug paraphernalia													
<input type="checkbox"/> Ammunition	<input type="checkbox"/> Suspected stolen property													
<input type="checkbox"/> Weapon(s) other than firearm	<input type="checkbox"/> Cell phone(s) or electronic device(s)													
<input type="checkbox"/> Drugs/narcotics	<input type="checkbox"/> Vehicle													
<input type="checkbox"/> Alcohol	<input type="checkbox"/> Other contraband or evidence													
<input type="checkbox"/> Money														
VII. CONTRABAND / EVIDENCE	<p>CONTRABAND/EVIDENCE DISCOVERED (IF ANY): <i>(Include any items discovered in plain view or as the result of a search)</i></p> <p>Select all that apply:</p> <table style="width: 100%;"><tr><td><input type="checkbox"/> None</td><td><input type="checkbox"/> Drugs/narcotics</td><td><input type="checkbox"/> Suspected stolen property</td></tr><tr><td><input type="checkbox"/> Firearm(s)</td><td><input type="checkbox"/> Alcohol</td><td><input type="checkbox"/> Cell phone(s) or electronic devices(s)</td></tr><tr><td><input type="checkbox"/> Ammunition</td><td><input type="checkbox"/> Money</td><td><input type="checkbox"/> Other contraband or evidence</td></tr><tr><td><input type="checkbox"/> Weapon(s) other than firearm</td><td><input type="checkbox"/> Drug Paraphernalia</td><td></td></tr></table>		<input type="checkbox"/> None	<input type="checkbox"/> Drugs/narcotics	<input type="checkbox"/> Suspected stolen property	<input type="checkbox"/> Firearm(s)	<input type="checkbox"/> Alcohol	<input type="checkbox"/> Cell phone(s) or electronic devices(s)	<input type="checkbox"/> Ammunition	<input type="checkbox"/> Money	<input type="checkbox"/> Other contraband or evidence	<input type="checkbox"/> Weapon(s) other than firearm	<input type="checkbox"/> Drug Paraphernalia	
<input type="checkbox"/> None	<input type="checkbox"/> Drugs/narcotics	<input type="checkbox"/> Suspected stolen property												
<input type="checkbox"/> Firearm(s)	<input type="checkbox"/> Alcohol	<input type="checkbox"/> Cell phone(s) or electronic devices(s)												
<input type="checkbox"/> Ammunition	<input type="checkbox"/> Money	<input type="checkbox"/> Other contraband or evidence												
<input type="checkbox"/> Weapon(s) other than firearm	<input type="checkbox"/> Drug Paraphernalia													
VIII. RESULT OF STOP	<p>RESULT OF STOP:</p> <p>Select all that apply:</p> <ul style="list-style-type: none"><input type="checkbox"/> No action<input type="checkbox"/> Warning (verbal or written) Code section(s) related to warning: _____<input type="checkbox"/> Citation for infraction Code section(s) related to citation for infraction: _____<input type="checkbox"/> In-field Cite and Release Code section(s) related to cite and release: _____<input type="checkbox"/> Custodial arrest pursuant to outstanding warrant<input type="checkbox"/> Custodial arrest without warrant Code section(s) related to arrest: _____<input type="checkbox"/> Field interview card completed<input type="checkbox"/> Noncriminal transport or caretaking transport (including transport by officer, ambulance, or another agency)<input type="checkbox"/> Contacted parent/legal guardian or other person responsible for the minor<input type="checkbox"/> Psychiatric hold (Welfare & Institutions Code sections 5150 and/or 5585.20)<input type="checkbox"/> Contacted U.S. Department of Homeland Security (e.g., Immigration and Customs Enforcement, Customs and Border Protection)<input type="checkbox"/> * <i>Referral to school administrator</i><input type="checkbox"/> * <i>Referral to school counselor or other support staff</i>													

LPD RIPA Procedure.pdf



LIVERMORE POLICE DEPARTMENT
Procedure Manual

Livermore Police Department Racial & Identity Profile Act (2015) Procedure	Date Created:	1/31/2021
	Last Revision:	4/22/2021
	By:	Lieutenant Reynolds

I. PURPOSE: To establish uniform reporting procedures for all detentions/stops pursuant to the Racial and Identify Profiling Act of 2015 (AB 953). This data will be used to fulfill annual reporting requirements to the California Department of Justice (DOJ) and will serve as a tool to evaluate the needs for improved bias-based policing training.

The data to be collected includes, among other things, the perceived race or ethnicity, gender, approximate age of the person stopped, as well as other data such as the reason for the stop, whether a search was conducted, and the result of any search.

II. POLICY: It is the policy of the Livermore Police Department (LPD) to always enforce the law equally, fairly, objectively, and without bias or discrimination toward any individual or group. Members of LPD shall comply with the mandatory reporting provisions set forth in this order and as outlined in LPD Policy 402 – Bias-Based Policing.

III. AB 953 DEFINITIONS:

- a. **CONSENSUAL SEARCH:** A search that occurs when a person gives a peace officer consent or permission to search the person or the person’s property. Consent can be given in writing or verbally or may be implied by conduct.
- b. **DETENTION:** A seizure of a person by a peace officer that results from physical restraint, unequivocal verbal commands or words, or conduct by a peace officer that would result in a reasonable person believing he/she is not free to leave or otherwise disregard the officer.
- c. **PERSONAL IDENTIFIABLE INFORMATION (PII):** Information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. This includes but is not limited to the subject’s name, address, social security number, date of birth, or Personal File Number (PFN).
- d. **SEARCH:** A search of a person’s body, or property in the person’s possession or under his or her control. A search also includes a pat-down search of a person’s outer clothing as well as a consensual search.
- e. **STOP:** A detention, by a peace officer, of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control. In addition to vehicle and pedestrian stops, this includes all calls for service resulting in a detention.

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- f. **STOP DATA:** Refers collectively to the data elements and data values that must be reported to the California Department of Justice.
- g. **STUDENT:** Any person who is enrolled in a K-12 Public School, or any person who is subject to California's compulsory education law as provided in Education Code section 48200. A "student" includes any persons between 6 and 18 years of age who are not otherwise exempt from the compulsory education laws as provided in Education Code section 48200. "Student" also refers to persons up to 22 years of age who are being provided special education and services, as provided under Education Code section 56026. The reporting requirements of this chapter regarding "students" apply only to interactions between officers and students that take place in a K-12 Public School.

IV. ORDER: All sworn agency personnel who conduct a "stop" as defined in this procedure shall input the required data into the Stop Data fields located within each person record listed in the CAD incident. The information entered will identify specific information regarding the circumstances surrounding the encounter and allow for later data retrieval. Data required to be collected on each encounter includes information about the stop itself, the person stopped, and the employee making the stop. No PII for any party, including staff, or outside law enforcement officers' information shall be entered into Stop Data fields.

A. INFORMATION REGARDING THE STOP:

Sworn personnel who make a stop must report the following details of the stop:

1. Whether the stop was in response to a call for service.
2. Date, time, and duration of the stop. The duration of the stop is the approximate length of the stop (in minutes) measured from the time the reporting peace officer first detains or, if no initial detention, first searches the stopped person until the time when the person is free to leave or is taken into custody.
3. Location of stop. A physical address should not be provided. The street name and nearest cross street or closest highway exit should be provided. If neither of these options are applicable, a road mile marker or physical landmark may be provided.
4. Reason for stop. When reporting this data element, peace officers shall identify only the primary reason for stopping the person. In addition to selecting one of the below listed categories, peace officers must provide a brief explanation (250-character max) outlining the reason for the stop. This explanation should include additional details beyond the general data values selected for the "Reason for Stop."
 - a. Traffic violation.
 - b. Reasonable suspicion that the person was engaged in criminal activity.
 - c. Known to be on parole/probation/PRCS/mandatory supervision prior to the time of the stop.

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- d. Knowledge of outstanding arrest warrant/wanted person prior to the time of the stop.
 - e. Investigation to determine if a person was truant.
 - f. Consensual encounter resulting in a search.
5. Actions taken by the peace officer during the stop.
- a. Person removed from the vehicle by order or physical contact.
 - b. Field sobriety test was conducted.
 - c. Curbside or patrol car detention.
 - d. Handcuffed or flex cuffed.
 - e. A patrol canine was removed from a vehicle or used for a search.
 - f. Canine bite or held the person.
 - g. Firearm was pointed at a person, discharged, or used.
 - h. Impact projectile was discharged or used.
 - i. Taser or chemical agent was used.
 - j. Other physical or vehicle contact.
 - k. Person was photographed (Personal Video Recording System [PQRS] video does not constitute a photograph).
 - l. Asked for consent to search a person or property.
 - m. Search of the person or person's property was conducted.
 - n. Property was seized.
 - o. Vehicle impounded.
6. If the subject was searched, the basis for the search must be provided along with a brief explanation (250-character max). The explanation should include additional detail beyond the general data values selected for "Basis for Search."
7. Contraband or evidence discovered, if any.
8. Property seized, if any.
9. Result of the stop (e.g. warning, citation, arrest, psychiatric hold, etc.).
- B. INFORMATION REGARDING THE PERSON STOPPED:

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Sworn personnel who make a stop must report their own perceptions of the subject based on personal observation only, and not through any other means, such as asking the person or referring to their identification.

1. Perceived race or ethnicity – Multiple may apply
2. Perceived age.
3. Perceived gender/sexual orientation.
4. Perceived or known disability.
5. Perceived to have limited or no English fluency.

C. PASSENGERS DURING VEHICLE STOPS:

1. Data elements shall not be submitted for passengers in vehicles subject to a stop unless either of the following applies:
 - a. The passenger is observed or suspected of violating the Vehicle Code or any other applicable law or ordinance.
 - b. The passenger was subjected to any of the actions outlined in section A, Subsection 5 of this procedure, except for Vehicle Impounded.

D. INFORMATION REGARDING THE PEACE OFFICER:

1. Years of experience. This should only include years worked as a peace officer. If the peace officer served intermittently or part time, they shall only count the time actual worked as a peace officer.
2. Type of assignment during stop.
3. An officer identification number enables the State to analyze the stops made by the peace officer while protecting his/her identity. LPD is required to maintain a log of each peace officer and their identification number.

E. COMPLETING THE STOP DATA COLLECTION ENTRY:

1. To ensure reporting accuracy, all DOJ stop data should be completed at the conclusion of each stop. If circumstances arise that would prevent this from occurring (e.g. priority call for service or motor unit's lack of MDC availability), the stop data shall be completed as soon as practical, but no later than the end of each shift. Only under exigent circumstances may supervisors approve delayed reporting until the peace officer's next shift.
2. When two or more reporting agencies are involved in a stop, only the primary agency shall submit a report. The primary agency is the agency with investigative jurisdiction based on local, county, or state law applicable interagency agreement or memorandum of understanding.

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3. If more than one peace officer conducts a stop, only the peace officer with the highest level of engagement shall submit the data regardless of whether that officer performed specific action(s).
4. If multiple people are stopped during one incident, then applicable stop data shall be submitted for each person within a single CAD incident.

F. SPECIAL CIRCUMSTANCES FOR NON-REPORTING

1. Stops during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes, and other similar critical incidents.
2. Stops during an active shooter, meaning an individual is actively engaged in killing or attempting to kill people in a populated area.
3. Stops that occur during or as a result of routine security screenings required of all persons to enter a building or special event, including metal detector screening and any secondary searched that result from the screening.

G. SPECIAL CIRCUMSTANCES FOR LIMITED REPORTING:

1. Interactions that take place during the following circumstances shall only be reported if the person is detained based upon individualized suspicion or personal characteristics and/or the peace officer engages in any action listed in Section A, Subsection 5 of this procedure.
 - a. Traffic control of vehicles due to traffic accident or emergency situation that required that vehicles are stopped for public safety purposes.
 - b. Any type of crowd control in which pedestrians are made to remain in a location or are routed to a different location for public safety purposes.
 - c. Interactions during which persons are detained at a residence only so peace officers can check for proof of age for purposes of investigating underage drinking.
 - d. Checkpoints or road-closures in which a peace officer detains a person as a result of a blanket regulatory activity of neutral formula that is not based on individual suspicion or person characteristics.
2. Search Warrant / Search Conditions. Interactions that take place with a person in their residence who is the subject of a warrant or search condition are not subject to the reporting requirements. Peace officers shall, however, report any interaction with a person in the home/search warrant location who is not the subject of the warrant/search condition, if the peace officer takes any of the following actions: handcuff or arrest the person, points a firearm at a person, discharge/use a firearm, use a Conducted Energy Weapon (e.g. Taser), use an impact projectile, baton, other impact weapon, or chemical spray, or if a canine bit/held the person.

H. STOPS AT K-12 PUBLIC SCHOOLS

LIVERMORE POLICE DEPARTMENT

1. Stops of persons who are not K-12 Public School students are subject to the reporting requirements outlined in this procedure.
2. In a K-12 Public School, a peace officer shall report on the following interactions with students as stops:
 - a. Any interaction as outlined in Section A, Subsection 5 of this procedure.
 - b. Interactions that result in temporary custody pursuant to 625 W&I.
 - c. Citation or arrest.
 - d. Permanent seizure of property as evidence of a criminal offense.
 - e. Referral to a school administrator because of suspected criminal activity.
 - f. If the student is questioned for the purposes of investigating whether the student committed a violation of the law. This includes violations of Education Code Sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7.
 - g. To determine whether the student is truant.
3. "Suspected violation of school policy" may be applicable as a basis for a search or property seizure.

I. REVIEW:

1. To ensure PII information is not included in the narrative sections of the Stop Data, a supervisor will conduct a daily review of each entry. The LPD Records Department will verify all reviewed and completed Stop Data entries prior to final transmission to the DOJ. Stop Data entries requiring correction will be returned to the originating officer for correction and resubmittal.
2. The Support Services Manager, or his or her designee, will conduct random audits to ensure information is being completed and submitted to DOJ correctly and in a timely manner.

Attachments:

DOJ Stop Data Collection Form – CJIS 2000. This form will only be used for notes should RIMS become unavailable. Note: DOJ will not accept physical hard copies.

Acceptable Narrative Entries exemplar. This form contains examples of acceptable narrative entries for the Location, Reason, Basis, and Miscellaneous sections.

Livermore PD Training Plan.pdf



TRAINING PLAN

A Guide to Career Development

“Service with Honor, Protection with Purpose”

**Michael Harris
Chief of Police**

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INTRODUCTION

The Livermore Police Department has a responsibility and commitment to strive for excellence in the growth and development of its personnel. Through training and education, Livermore's public safety team is better equipped to achieve both professional and personal excellence as well as their career goals. By so doing, the police department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that exceeds the needs of the community.

All newly hired employees of the Livermore Police Department receive information with regard to the agency's purpose, goals, policies and procedures. In addition, employees complete an orientation with the city's Human Resource Department with respect to working conditions, regulations and their responsibilities and employee rights.

PURPOSE

The purpose of the Livermore Police Department Training Plan is to:

- 1) Meet POST and legislative mandated training requirements
- 2) Enhance the level of law enforcement service to the public
- 3) Increase the technical expertise and overall effectiveness of our personnel
- 4) Provide for continued professional development of department personnel.

The Training Plan is designed to identify the training needs and set priorities for the training needs of every rank/position and task/specialized assignment within the department. The Plan should be used as an objective tool that assists with bringing uniformity and consistency to training while providing employees with the greatest opportunity for success. It is a tool to be used by supervisors and managers on a regular basis in their effort to meet the training needs of their employees and/or evaluating training requests from employees.

The Livermore Police Department will strive to use a broad spectrum of training resources for the educational and professional development of its employees. Whenever possible, the department will use courses certified by the Commission on Peace Officer Standards and Training (POST).

It is understood that the Training Plan in no way identifies all of the training that will occur for the members of the Livermore Police Department. Additionally, it does not guarantee that a member will receive all of the training that has been identified for

his/her position, with the exception of the training that has been identified as mandatory.

To make professional and personal goals possible to the employee, the department has placed an emphasis in the following areas:

- 1) Professional training
- 2) College education
- 3) Leadership development

LAW ENFORCEMENT PROFESSIONAL TRAINING

Professional training is comprised of two categories of training. The first and primary category refers to those courses certified by California Peace Officers Standards and Training (POST). These courses are available for both sworn and professional personnel, whose job description supports the need for specified or requested training.

P.O.S.T courses are reimbursable to the city’s General Fund by the State of California in varying degrees based on their “plan” designation. The categories of expense/allowances that may be reimbursed are: subsistence, commuter lunch, travel, tuition, back-fill salary and training presentation costs. The five reimbursement plans that have been adopted by POST are designated as Plan I, II, III, IV, and V as follows:

Plan I	Plan II	Plan III	Plan IV	Plan V
Subsistence	Subsistence	Subsistence	Subsistence	Subsistence
Commuter Lunch	Commuter Lunch	Commuter Lunch	Commuter Lunch	Commuter Lunch
Travel	Travel	Travel	Travel	Travel
Tuition	Back-Fill Salary	Tuition		Training Presentation
Back-Fill Salary				

TRAINING PRESENTATION

In addition to typical classroom settings, POST training is also available through DVD’s stored in binders in the briefing room or interactive computer programs through the POST Learning Portal.

The second category of law enforcement professional training refers to training not certified by POST. This may come in the form of in-house instruction, such as First Aid/CPR, Taser update, etc. In-house instruction is the responsibility of the Livermore Police Department Training Manager and is spearheaded by the Support Services

Captain. This type of training provides “hands-on” continuing professional training to department employees.

When possible, sworn staff members are assigned to a mandatory continue professional training day 5 times per year to update basic training needs. Professional staff members are also provided with routine in-house training opportunities.

The Force Options Unit also provides monthly training bulletins that are distributed to employees. The training bulletins contain a variety of law enforcement information, such as tactics, techniques, and legal updates.

Line supervisors provide roll-call training on a daily basis to each shift of officers. Roll call training topics include new laws, practical case law application, technological improvements, equipment proficiency, street tactics, standard operating procedures, policy and procedures review. Other forms of non-POST training are offered through the Livermore Education and Development (LEAD) such as leadership, goal setting, ethics, and computer skills. This training is free to city employees and is very beneficial for their professional development.

Livermore Police Department’s public safety records clerks also receive routine in-house training related to the California Public Records Act (CPRA) for records retention and disclosure, as well as numerous additional training opportunities designed to enhance subject matter expertise.

TRAINING REQUESTS

All requests to attend training shall be submitted on the Electronic Training Request form, (submitted through the employee’s chain of command). Include all available support literature, completed and approved Training Requests forms must be received by the Training Manager no later than **three weeks** prior to the start date of the requested course. Late applications may result in denial of the training request.

1. If the training is not mandatory, the immediate supervisor shall comment in the note section in regards to the applicant’s need to attend the training before forwarding the request to the appropriate Lieutenant.
2. Training requests that are approved by the employee’s Division Lieutenant shall be forwarded to the Training Section for processing.
3. Training requests that are denied will be returned to the requesting employee detailing the reason for the denial.

COLLEGE EDUCATION

The Chief of Police and the City of Livermore are supportive of employees obtaining a formal college education.

TRAINING UNIT

The Department's Training Manager is responsible for coordinating the delivery of Law Enforcement Professional Training to sworn and professional personnel. The Professional Standards Unit (PSU) Sergeant or designee is responsible for the day-to-day operations of the Unit and is directly supervised by the Support Services Captain. The PSU Sergeant or designee is also responsible for ensuring training compliance with POST regulations, federal and state statutes, and city policy.

The PSU Sergeant or designee will coordinate scheduled training with the supervisor(s) of the employee. The PSU Sergeant or designee will normally make all travel arrangements, including class reservations and any applicable hotel, airline or car reservations and will submit all of the necessary paperwork to the Finance Department of the City in compliance with City of Livermore Administrative Policy, including authorization, payment and reimbursement for travel, training and general business expense.

The Support Services Captain or designee will notify each employee as soon as possible of the approved training through the use of department email system.

The PSU Sergeant or designee will distribute remaining paperwork and any reimbursement checks approximately one to two weeks prior to the training. If the scheduled training is a POST certified course, a Training Reimbursement Request (TRR) form must be submitted to the instructor of the course. This form will be provided to the employee and it is the responsibility of the employee attending the training to submit this form. This is the mechanism that allows the State of California to reimburse the City of Livermore.

RECORDS AND INFORMATION MANAGEMENT SYSTEM (RIMS)

Records and Information Management System (RIMS) is a computer software program utilized by the PSU Sergeant or designee to track all departmental training. The Training Plan for both rank and task assignments are entered into RIMS. It is important that notification and documentation of all training be forwarded to the PSU Sergeant to ensure that information is entered into RIMS, allowing the PSU Sergeant to conduct training audits designed to identify potential training deficiencies. Copies of training certification (if applicable) should be forwarded to PSU Sergeant for scanning into laser fiche.

TRAINING PLAN ORGANIZATION

The Training Plan is divided into two primary sections:

Section 1: Rank/Position Assignment:

The first section of the Training Plan is a list of all sworn and professional staff rank/positions within the structure of the police department.

Section 2: Task/Specialized Assignment

The second section of the Training Plan is an alphabetized list of all task/specialty assignments within the department for both sworn and professional staff assignments.

Within each rank/position and task/specialized assignment, the training courses are categorized as follows:

MANDATED

Training in this category is required by Federal law, State law and/or department policy. Unless otherwise noted, this training should be completed within one year of appointment to the position.

ESSENTIAL

This training has been designated by the department as necessary for the professional development of an employee in his/her specified rank and/or task assignment.

DESIRABLE

Upon completion of the mandatory and essential courses, an employee may pursue additional interests in their law enforcement training. The department will make a positive effort to accommodate an individual's desired career path, with consideration for the needs of the department and anticipated employee career direction.

A list of the mandated, essential and desirable training, along with any license/certificate requirements for each rank/position is located in this section.

In many instances an employee will be simultaneously guided by both sections of the Training Plan. An example would be a police officer currently assigned to the Traffic Unit. That employee will need to meet the training needs of both the Police Officer rank assignment and the Traffic Officer task assignment.

CONTINUAL PROFESSIONAL TRAINING (CPT)

Continuing Professional Training (CPT) is required for specific peace officers and public safety dispatchers employed by POST-participating departments. The purpose of CPT is to maintain, update, expand, and/or enhance an individual's knowledge and/or skills. CPT is training that exceeds the training required to meet or re-qualify in entry-level minimum standards.

Peace officers (other than a Level III Reserve) and public safety dispatchers and supervisors shall satisfactorily complete the CPT requirement of 24 or more hours of POST-qualifying training during every two-year CPT cycle, based on a permanent CPT anniversary date as specified in the POST Administrative Manual.

Public safety dispatchers hired as entry-level employees shall complete the 120-hour POST Basic Dispatch Academy within one (1) year of appointment. Journey-level PSDs shall complete twenty-four (24) hours of POST-certified CPT as identified by the Communications Manager or his/her designee.

Effective January 1, 2002, peace officers in specific duty assignments must satisfy a portion of the CPT requirement by completing Perishable Skills and Communications training as specified below:

PERISHABLE SKILLS/COMMUNICATIONS REQUIREMENT FOR PEACE OFFICER CPT

Effective January 1, 2002, all peace officers (except Reserve Officers) below the middle management position and assigned to patrol, traffic, or investigation who routinely effect the physical arrest of criminal suspects are required to complete Perishable Skills and Communications training.

Perishable Skills training shall consist of a minimum of 12 hours in each two-year period. Of the total 12 hours required, a minimum of 4 hours of each of the three following topical areas shall be completed:

- Arrest and Control
- Driver Training/Awareness or Driving Simulator
- Tactical Firearms or Force Options Simulator

Communications training, either tactical or interpersonal, shall consist of a minimum of 2 hours in each two-year period (reference Commission Procedure D-2 for minimum requirements). It is recommended that managers and executives complete, within their two-year compliance cycle, two hours of CPT devoted to updates in the perishable skills topical areas enumerated above.

PROFESSIONAL CERTIFICATES

To qualify for award of certificates, applicants shall have completed combinations of education, training and experience as prescribed by the Commission.

(a) Training Points: Twenty classroom hours of police training acknowledged by the Commission shall equal one training point. Such training must be conducted in a classroom or other appropriate site, in increments of two hours or more, taught by a qualified instructor, concluded with appropriate testing, and for which records are kept.

(b) Education Points: One semester unit shall equal one education point and one quarter unit shall equal two-thirds of a point. Such units of credit shall have been awarded by an accredited community college, college, university, or until January 1, 1998, by a non-accredited, state-approved college that offers programs exclusively in criminal justice (refer to Regulation 1001(a) for definition of acceptable college education).

(c) All education and training must be supported by copies of transcripts, diplomas and other verifying documents attached to the application for POST certificate. Units of credit transferred from one education institution to another must be documented by transcripts from both such educational institutions. When credit is awarded, it shall be counted for either training or education points, whichever is to the advantage of the applicant.

(d) Training acquired in completing a certified Basic Course may be credited toward the number of training points necessary to obtain the Intermediate or Advanced Certificate. When education points as well as training points are acquired in completing the Basic Course, the applicant may select, without apportionment, the use of either the education points or the training points.

(e) For the Regular or Specialized Certificate Programs, law enforcement experience in California as a full-time, paid peace officer shall be accepted for the full period of such experience.

(f) In other law enforcement categories (e.g., out-of-state or military law enforcement experience) the required experience shall be accepted by the Commission, not to exceed a maximum of five years. The experience must be documented and the name of the organization(s) indicated, years of service, duties performed, and types of responsibility.

(g) The Supervisory, Management, and Executive Certificates each require two years of satisfactory experience in the capacity designated in subparagraphs F-1-8(d), F-1-9(d) or F-1-10(d) of the POST Administrative Manual (PAM). Middle management experience shall be substitutable for supervisory experience. Department head experience may substitute for middle management or supervisory experience. An aggregate of four

years' of experience (with at least two years of experience at the higher rank) is required to receive both the Supervisory and Management Certificates; an aggregate of six years' of experience (with at least two years of experience at the higher rank) is required for all three certificates to be awarded.

BASIC CERTIFICATE

Employees hired after January 1, 1988 who have satisfactorily completed their period of probation (no less than one year as attested to by the department head) are eligible for this certificate. An applicant must acquire the certificate upon completion of probation but within 24 months of date of hire. If the local probation period is 24 months, an additional 3 months shall be allowed for obtaining the certificate.

For officers employed before January 1, 1988, they must have completed a period of satisfactory service of no less than one year. The Executive Director shall have the authority to determine the manner in which the time periods are calculated, when there is change of employers, injury, illness, or other such extraordinary circumstances over which the applicant or department may have little or no control

In addition to the requirements set forth above and in paragraphs 1-2, 1-3 and 1-4 of the POST Administrative Manual (PAM), the applicant for the award of the Regular or Specialized Basic Certificate must have satisfactorily met the appropriate POST Basic Course training requirement. The certificate shall include the applicant's name and experience category of the employing agency.

INTERMEDIATE CERTIFICATE

In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4 of the POST Administrative Manual, the applicant for the award of the Regular or Specialized Intermediate Certificate must:

- (a) Possess or be eligible to possess a basic certificate; and
- (b) Satisfy the prerequisite basic course training requirement as described in PAM, Section 1005(a), and have acquired the training and education points and/or the college degree designated and the prescribed years of law enforcement experience in one of the following combinations:

Minimum Training Points Required	15	30	45		
Minimum Education Points or Degree Required	15	30	45	AA/AS Degree	BA/BS Degree
Years of Law Enforcement Experience Required	8	6	4	4	2

ADVANCED CERTIFICATE

In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4 of the POST Administrative Manual, the applicant for the award of the Regular or Specialized Advanced Certificate must:

(a) Possess or be eligible to possess an intermediate certificate; and

(b) Satisfy the prerequisite basic course training requirement and have acquired the training and education points and/or the college degree designated and the prescribed years of law enforcement experience in one of the following combinations:

Minimum Training Points Required	30	45			
Minimum Education Points or Degree Required	30	45	AA/AS Degree	AA/AS Degree	BA/BS Degree
Years of Law Enforcement Experience Required	12	9	9	6	4

SUPERVISORY CERTIFICATE

In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4 of the POST Administrative Manual, the applicant for the award of the Regular or Specialized Supervisory Certificate must:

(a) Possess or be eligible to possess an intermediate certificate; and

(b) Have no less than 60 semester units (see subparagraph F-1-4.b.); and

(c) Satisfactorily meet the training requirement of the Supervisory Course; and

(d) Have served satisfactorily for a period of two years as a first-level supervisor, middle manager, assistant department head, or department head as defined, respectively, in Sections 1001 (n), (s), (f), and (l) of the Regulations. The certificate shall include the applicant's name, official title and name of employing jurisdiction or agency.

MANAGEMENT CERTIFICATE

In addition to the requirements set forth in paragraphs, 1-2, 1-3 and 1-4 of the POST Administrative Manual, the applicant for the award of the Regular or Specialized Management Certificate must:

(a) Possess or be eligible to possess an advanced certificate; and

(b) Have no less than 60 semester units and (see subparagraph F-1-4. b.);

(c) Satisfactorily meet the training requirement of the Management Course; and

(d) Have served satisfactorily for a period of two years as a middle manager, assistant department head, or department head as defined, respectively, in Sections 1001 (s), (f), and (l) of the Regulations. The certificate shall include the applicant's name, official title and name of employing jurisdiction or agency. When a holder of a Management Certificate transfers as an assistant department head or middle manager to another jurisdiction, a new certificate may be issued upon request, as provided for in PAM, Section F-3, displaying the name of the new jurisdiction.

EXECUTIVE CERTIFICATE

In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4 of the POST Administrative Manual, the applicant for the award of the Regular or Specialized Executive Certificate must:

(a) Possess or be eligible to possess an advanced certificate; and

(b) Have no less than 60 semester units (see subparagraph F-1-4. b.); and

(c) Satisfactorily meet the training requirements of the Executive Development Course; and

(d) Have served satisfactorily for a period of two years as a department head as defined in Section 1001 (l) of the Regulations. The certificate shall include the applicant's name, official title and name of employing jurisdiction. When a holder of an Executive Certificate transfers as a department head to another jurisdiction, a new certificate may be issued upon request as provided for in PAM, Section F-3, displaying the name of the new jurisdiction or agency.

PUBLIC SAFETY DISPATCHER CERTIFICATE

To be eligible for the award of a Public Safety Dispatcher Certificate, an applicant must:

(a) Currently be a full-time, non-peace officer employee who performs duties which include receiving emergency telephone calls for law enforcement service and/or dispatching law enforcement personnel; and

(b) Have been selected in accordance with minimum selection standards described in PAM, Section 1018(c); and

(c) Have satisfactorily met the minimum training standards described in PAM, Section 1018(d); and

(d) Have satisfactorily completed a probationary period with the agency of at least 12 months as described in PAM, Section 1018(e); and

(e) Have been designated as a dispatcher by the employing agency and whose status has been reported to POST in accordance with Regulation 1003, Notice of Appointment/Termination.

RECORDS SUPERVISOR CERTIFICATE

To be eligible for the award of a Public Safety Records Certificate, an applicant must:

(1) Currently be a records supervisor as defined in PAM, Section 1001(cc) and have been reported to POST in accordance with Regulation 1003, Notice of Appointment/Termination; and

(2) Have satisfactorily completed a probationary period established by the employing agency as a records supervisor; and

(3) Have a minimum of two years of satisfactory service with the employing agency as a records supervisor; and

(4) Have graduated high school or passed the General Education Development Test (GED); and

(5) Have been trained in accordance with the minimum training standards described in PAM Section 1005(h)

ANNUAL REVIEW

As provided for in the Livermore Police Department's Policy #208.3.3, the Professional Standards Unit will conduct an annual training-needs assessment of the Police Department. The needs assessment will be reviewed by the Support Services Captain. Upon approval of the Captain, the needs assessment will form the basis for the training plan for the fiscal year. It is the responsibility of the PSU Sergeant to maintain, review and update the Training Plan on an annual basis.

RANK/POSITION ASSIGNMENT-SWORN PERSONNEL

- A. CHIEF OF POLICE
- B. DEPUTY CHIEF
- C. LIEUTENANT
- D. SERGEANT
- E. POLICE OFFICER
- F. POLICE OFFICER TRAINEE

CHIEF OF POLICE

Standard Training Requirements

MANDATED TRAINING:

Executive Development Course Part 1 & 2

Initial Training: Within 1 year of appointment

Recertification: Not required

Sexual Harassment Training (Gov. Code 12950.1)

Initial Training: Within 1 year of appointment

Recertification: Every 2 years

Management Class

Initial Training: Within 1 year of management appt.

Recertification: Not required

Racial Profiling Refresher

Initial Training: Within 5 years of initial training

Recertification: Every 5 five years

Domestic Violence Update

Initial Training: Within 1 year of appointment

Recertification: Annually

CLETS/NCIC -Less than Full Access Operator (G.O. O-1)

Initial Training: During Orientation Phase

Recertification: Every other year

Range Qualification-Pistol

Initial Training: Within first week of appointment

Recertification: 1 time per year

SEMS/NIMS

Initial Training: Within 1 year of appointment

Recertification: Every two years

Continuing Professional Training (POST)

Recertification: 24 hours of training every 2 years

(2 hours should be perishable skills)

ESSENTIAL TRAINING:

First Aid/CPR

Initial Training: Within 1 year of appointment

Recertification: Every 3 years

Role of the Police Chief

Initial Training: Within 2 years of appointment

Recertification: Not required

California Police Chief's Conference

Initial Training: Not required

Recertification: Annual

International Association of Police Chief's Conference

Initial Training: Not required

Recertification: Annual

Microsoft Office Suite (Word, Excel, PowerPoint, Access)

Initial Training: Within 1 year of appointment

Recertification: Not required

Blood borne Pathogens (CAL-OSHA)

Initial Training: Provided in Basic Academy

Recertification: Annually

DESIRABLE TRAINING:

Senior Management Institute for Police (SMIP)

Initial Training: Not required

Recertification: Not required

FBI National Academy

Initial Training: within two years if not done previous to appointment

Recertification: Not required

FBI LEEDS Training

Initial Training: Not required

Recertification: Not required

License/Certificate Requirements:

California Driver's License: Upon appointment

POST Basic Certificate: Upon completion of probation

POST Intermediate Certificate: Within 4 years of appointment

POST Advanced Certificate: Within 9 years of appointment

POST Supervisory Certificate: Upon completion of 2 years of supervisory experience

POST Management Certificate: Upon completion of 2 years of management experience

POST Executive Certificate: Upon completion of 2 years of serving as Department Head

CAPTAIN

Standard Training Requirements

MANDATED TRAINING:

Management Class

First Required: Within 1 year of appointment

Recertification: Not required

Sexual Harassment Training (Gov. Code 12950.1)

Initial Training: Within 1 year of appointment

Recertification: Every 2 years

Racial Profiling Refresher

Initial Training: 5 years after initial training

Recertification: Every 5 five years

Domestic Violence Update (Alameda County Protocol)

Initial Training: Within 1 years of appointment

Recertification: Annually

CLETS/NCIC -Less than Full Access Operator (G.O. O-1)

Initial Training: During Orientation Phase

Recertification: Every other year

Range Qualification-Pistol

Initial Training: Within 6 months of appointment
Recertification: 1 time per year

SEMS/NIMS

Initial Training: Within 1 year of appointment
Recertification: Not required

Continuing Professional Training (POST)

Recertification: 24 hours of training every 2 years
(2 hours should be perishable skills)

ESSENTIAL TRAINING:**First Aid/CPR**

Initial Training: Within 1 year of appointment
Recertification: Every 3 years

Internal Affairs

Initial Training: Within 1 year of appointment
Recertification: Not required

Officer Involved Shooting Investigations- Mgt/Supervision

Initial Training: Within 2 years of appointment
Recertification: Not required

Budget Preparation Course

Initial Training: Within 1 year of appointment
Recertification: Not required

Worker's Compensation/ Disability Retirement Issues

Initial Training: Within 2 years of appointment
Recertification: Not required

Background Investigation

Initial Training: Within 2 years of appointment
Recertification: Not required

Microsoft Office Suite (Word, Excel, PowerPoint, Access)

Initial Training: Within 1 year of appointment
Recertification: Not required

Blood borne Pathogens (CAL-OSHA)

Initial Training: Provided in Basic Academy

Recertification: Annually

DESIRABLE TRAINING:

Executive Development Course

Initial Training: Not required

Recertification: Not required

The Role of the Police Chief

Initial Training: within two years of appointment

Recertification: Not required

Background Investigation-Advanced

Initial Training: Not required

Recertification: Not required

California Police Chief's Conference

Initial Training: Not required

Recertification: Annual

FBI National Academy

Initial Training: Required within 3 years of appt

Recertification: Not required

POST Command College

Initial Training: Not required

Recertification: Not required

License / Certificate Requirements:

California Driver's License: Upon appointment

POST Basic Certificate: Upon completion of probation

POST Intermediate Certificate: Within 4 years of appointment

POST Advanced Certificate: Within 9 years of appointment

POST Supervisory Certificate: Upon completion of 2 years of supervisory experience

POST Management Certificate: Upon completion of 2 years of management experience

LIEUTENANT

Standard Training Requirements

MANDATED TRAINING:

POST Management Course

Initial Training: Within 1 year of appointment

Recertification: Not required

Sexual Harassment Training (Gov. Code 12950.1)

Initial Training: Within 1 year of appointment

Recertification: Every 2 years

Respiratory Protection Program (CAL-OSHA) (G.O. U-4)

Initial Training: Upon issue of respirator (gas mask)

Recertification: Annually

Racial Profiling Refresher

Initial Training: 5 years after initial training

Recertification: Every 5 five years

Domestic Violence Update (Alameda County Protocol)

Initial Training: Within 1 years of appointment

Recertification: Annually

CLETS/NCIC -Less than Full Access Operator (G.O. O-1)

Initial Training: During Orientation Phase

Recertification: Every other year

Field Training Officer Management

Initial Training: Within 1 year of appointment

Recertification: Not required

Range Qualification-Pistol

Initial Training: Within 6 months of appointment

Recertification: 1 time per year

NIMS/SEMS (ICS 100, 200, NIMS 700, 800)

Initial Training: Within 1 year of appointment

Recertification: Not required

Continuing Professional Training (POST)

Recertification: 24 hours of training every 2 years
(2 hours should be perishable skills)

Blood borne Pathogens (CAL-OSHA)

Initial Training: Provided in Basic Academy
Recertification: Annually

First Aid/CPR

Initial Training: Within 1 year of appointment
Recertification: Every 3 years

ESSENTIAL TRAINING:**Internal Affairs**

Initial Training: Within 1 year of appointment
Recertification: Not required

Officer Involved Shooting Investigations-Management/Supervision

Initial Training: Within 2 years of appointment
Recertification: Not required

Budget Preparation Course

Initial Training: Within 2 years of appointment
Recertification: Not required

Worker's Compensation / Disability Retirement Issues

Initial Training: Within 2 years of appointment
Recertification: Not required

Microsoft Office Suite (Word, Excel, PowerPoint, Access)

Initial Training: Within 1 year of appointment
Recertification: Not required

DESIRABLE TRAINING:**Assertive Supervision**

Initial Training: Not required
Recertification: Not required

Law Enforcement Response to Terrorism (LERT)

Initial Training: Not required
Recertification: Not required

POST Command College

Initial Training: Not required

Recertification: Not required

FBI National Academy

Initial Training: within 3 years of appointment

Recertification: Not required

License / Certificate Requirements:

California Driver's License: Upon appointment

POST Basic Certificate: Upon completion of probation

POST Intermediate Certificate: Within 4 years of appointment

POST Advanced Certificate: Within 9 years of appointment

POST Supervisory Certificate: Upon completion of 2 years of supervisory experience

POST Management Certificate: Upon completion of 2 years of management Experience

SERGEANT**Standard Training Requirements:****MANDATED TRAINING:****Supervisory Course**

Initial Training: Within 1 year of appointment

Recertification: Not required

Sexual Harassment Training (Gov. Code 12950.1)

Initial Training: Within 1 year of appointment

Recertification: Every 2 years

First Aid/CPR

Initial Training: Within 1 year of appointment

Recertification: Every 3 years

Emergency Vehicle Operations (EVOG)

Initial Training: Within 1 year of appointment
Recertification: Every 2 years

Blood borne Pathogens (CAL-OSHA)

Initial Training: Provided in Basic Academy
Recertification: Annually

Respiratory Protection Program (CAL-OSHA) (G.O. U-4)

Initial Training: Upon issue of respirator (gas mask)
Recertification: Annually

Elder/Dependent Adult Abuse

Initial Training: Within 18 months of appointment
Recertification: Not required

Domestic Violence Update (Alameda County Protocol)

Initial Training: Within 1 years of appointment
Recertification: Annually

CLETS/NCIC -Less than Full Access Operator

Initial Training: During Orientation Phase
Recertification: Every other year

Racial Profiling Update

Initial Training: Within 5 years of appointment
Recertification: 2 hours of training every 5 years

Vehicle Pursuit Policy Review

Initial Training: During Orientation Phase
Recertification: Semi-Annual (During 1st week of Shift-change)

High Technology Crimes (POST)

Initial Training: Within 18 months of appointment (2 Hrs.)
Recertification: Not required

Range Qualification-Pistol

Initial Training: During orientation phase
Recertification: 2 times per year
* 1 must be nighttime/low-light conditions

Range Qualification-Rifle

Initial Training: During Field Training Program
Recertification: 2 times per year

*1 must be nighttime/low- light conditions

Range Qualification-Less Lethal

Initial Training: During Field Training Program

Recertification: 1 time per year

SEMS/NIMS

Initial Training: Within 1 year of appointment

Recertification: Not required

Continuing Professional Training (POST)

Recertification: 24 hours every 2 years

(14 hours must be perishable skills)

ESSENTIAL TRAINING:

Internal Affairs

Initial Training: Within 1 year of appointment

Recertification: Not required

Officer Involved Shootings

Initial Training: Within 1 year of appointment

Recertification: Not required

Assertive Supervision

Initial Training: Within 2 years of appointment

Recertification: Not required

Domestic Violence Update (POST)

Initial Training: Within 2 years of appointment

Recertification: 2 hours of training every 2 years

Report Writing for Instructors

Initial Training: Not required

Recertification: Not required

Supervisory Leadership Institute

Initial Training: Upon completion of 2 years of Supervisory experience

Recertification: Not required

Microsoft Office Suite (Word, Excel, PowerPoint, Access)

Initial Training: Within 2 years of appointment

Recertification: Not required

DESIRABLE TRAINING:

Background Investigation

Initial Training: Not required

Recertification: Not required

Interview and Interrogation

Initial Training: Not required

Recertification: Not required

Leadership and Accountability

Initial Training: Not required

Recertification: Not required

Legislative Legal Update

Initial Training: Not required

Recertification: Not required

Law Enforcement Response to Terrorism (LERT)

Initial Training: Not required

Recertification: Not required

License / Certificate Requirements:

California Driver's License: Upon appointment

POST Basic Certificate: Upon completion of probation

POST Intermediate Certificate: Within 4 years of appointment

POST Advanced Certificate: Within 9 years of appointment

POST Supervisory Certificate: Upon completion of 2 years of supervisory experience

POLICE OFFICER

Standard Training Requirements

MANDATED TRAINING:

Livermore Police Department Field Training Program

Initial Training: Prior to solo patrol

Recertification: Not required

City of Livermore Sexual Harassment Training

Initial Training: During Orientation Phase

Recertification: Not required

First Aid/CPR

Initial Training: Within 1 year of appointment

Recertification: Every 3 years

Emergency Vehicle Operations (EVOG)

Initial Training: Within 1 year of appointment

Recertification: Every 2 years

Blood borne Pathogens (CAL-OSHA)

Initial Training: Provided in Basic Academy

Recertification: Annually

Respiratory Protection Program (CAL-OSHA)

Initial Training: Upon issue of respirator (gas mask)

Recertification: Annually

Elder/Dependent Adult Abuse

Initial Training: Within 18 months of appointment

Recertification: Not required

Domestic Violence Update (POST)

Initial Training: Within 2 years of appointment

Recertification: 2 hours of training every 2 years

Domestic Violence Update (Alameda County Protocol)

Initial Training: Within 1 years of appointment

Recertification: Annually

CLETS/NCIC -Less than Full Access Operator

Initial Training: During Orientation Phase

Recertification: Every other year

Racial Profiling Update

Initial Training: Within 5 years of appointment

Recertification: 2 hours of training every 5 years

Vehicle Pursuit Policy Review

Initial Training: During Orientation Phase
Recertification: Semi-Annual (During 1st week of shift-change)

Range Qualification-Pistol

Initial Training: During Orientation Phase
Recertification: 2 times per year
* 1 must be nighttime/low-light conditions

Range Qualification-Rifle

Initial Training: During Field Training Program
Recertification: 2 times per year
*1 must be nighttime/low- light conditions

Range Qualification-Less Lethal

Initial Training: During Field Training Program
Recertification: 1 times per year

SEMS/NIMS

Initial Training: Within 1 year of appointment
Recertification: Not required

Continuing Professional Training (C.P.T./POST)

Recertification: 24 hours every 2 years

ESSENTIAL TRAINING:

Interview and Interrogation

Initial Training: Not required
Recertification: Not required

Drug Influence-11550 H&S

Initial Training: Within 1 year of completion of probation
Recertification: Not Required

Basic Collision Investigation

Initial Training: Required to issue a traffic citation as part of collision investigation
Recertification: Not Required

Intoxilyzer

Initial Training: Required to use Dräger breath testing machine
Recertification: Not required

Standard Field Sobriety Tests (SFSTs)

Initial Training: Not required

Recertification: Not required

Less Lethal weapons

Initial Training: Required before less lethal weapon systems are deployed

Recertification: Every 2 years

Taser

Initial Training: Required before less lethal weapon systems are deployed

Recertification: Every 2 years

Pepper Spray (OC):

Initial Training: Required before OC is deployed

Recertification: Yearly

Peace Keeper Baton

Initial Training: Required before baton is deployed

Recertification: Every 2 years

RADAR / LIDAR

Initial Training: Required to use radar/lidar equipment

Recertification: Not required

Crisis Intervention Training (CIT)

Initial Training: Required per Chief Harris

Recertification: Not required

Microsoft Office Suite (Word, Excel, PowerPoint, Access)

Initial Training: Within 1 year of appointment

Recertification: Not required

DESIRABLE TRAINING:

Community Policing

Initial Training: Not required

Recertification: Not required

Field Evidence Technician

Initial Training: Not required

Recertification: Not required

Law Enforcement Response to Terrorism (LERT)

Initial Training: Not required

Recertification: Not required

License / Certificate Requirements:

California Driver's License: Upon appointment

POST Basic Certificate: Upon completion of probation

POST Intermediate Certificate: Within 4 years of appointment

POST Advanced Certificate: Within 9 years of appointment

POLICE OFFICER TRAINEE

Standard Training Requirements

MANDATED TRAINING:

Basic Police Academy

Initial Training: Within 1 year of appointment

Recertification: Not Required

ESSENTIAL TRAINING:

None

DESIREABLE TRAINING:

License / Certificate Requirements:

California Driver's License: Upon appointment

RANK/POSITION ASSIGNMENT - PROFESSIONAL PERSONNEL

- a) ADMINISTRATIVE ASSISTANT / ASSISTANT TO CHIEF OF POLICE
- b) DIVISION CLERK
- c) CHAPLAIN
- d) COMMUNITY SERVICE SPECIALIST
- e) CRIME AND INTELLIGENCE ANALYST
- f) DISPATCH SUPERVISOR
- g) PUBLIC SAFETY DISPATCHER
- h) EVIDENCE TECHNICIAN
- i) RECORDS CLERK
- j) RECORDS SUPERVISOR
- k) ANIMAL CONTROL OFFICER
- l) POLICE FACILITY AND EQUIPMENT MANAGER
- m) BUSINESS SERVICES MANAGER
- n) INFORMATION TECHNOLOGY TECHNICIAN
- o) INFORMATION TECHNOLOGY COORDINATOR
- p) HORIZONS

ADMINISTRATIVE ASSISTANT / ASSISTANT TO CHIEF OF POLICE

Standard Training Requirements

MANDATED TRAINING:

Public Safety Executive Secretary

Initial Training: Within 1 year of appointment

Recertification: Not required

CPCA Assistant to Police Chief

Initial Training: Within 1 year of appointment

Recertification: Annual renewal

ESSENTIAL TRAINING:

Public Records Release Act

Initial Training: Within 1 year of appointment

Recertification: Not required

DESIRABLE TRAINING:

Public Notary

Initial Training: Within 1 year of appointment

Recertification: Every 3 years

Advanced Microsoft Office Suite (Word, Excel, PowerPoint, Access)

Initial Training: Not required

Recertification: Not required

Tabletop Publishing

Initial Training: Not required

Recertification: Not required

License/Certificate Requirements

California Driver's License: Upon appointment

Public Notary

First Aid/CPR

Initial Training: Within 1 year of appointment

Recertification: Every 3 years

DIVISION CLERK

Standard Training Requirements

MANDATED TRAINING:

CLETS/NCIC -Less than Full Access Operator

Initial Training: During Orientation Phase

Recertification: Every other year

ESSENTIAL TRAINING:

Public Safety Executive Secretary

Initial Training: Within 1 year of appointment

Recertification: Not required

FLSA issues

Initial Training: Within 1 year of appointment

Recertification: Not required

DESIRABLE TRAINING:

Public Records Release Act

Initial Training: Within 1 year of appointment

Recertification: Not required

Advanced Microsoft Office (Word, Excel, PowerPoint, Access)

Initial Training: Not required

Recertification: Not required

First Aid/CPR:

Initial Training: Within 1 year of appointment

Recertification: Every 3 years

Business Writing

Initial Training: Not required

Recertification: Not required

Tabletop Publishing

Initial Training: Not required

Recertification: Not required

License/Certificate Requirements:

California Driver's License: Upon appointment

CHAPLAIN

Standard Training Requirements

MANDATED TRAINING:

None

ESSENTIAL TRAINING:

None

DESIRABLE TRAINING:

Chaplain Conference:

Initial Training: Not required

Recertification: Not required

Chaplain Seminar:

Initial Training: Not required

Recertification: Not required

Crisis Intervention Team:

Initial Training: Not required

Recertification: Not required

License / Certificate Requirements:

California Driver's License: Upon appointment

COMMUNITY SERVICE SPECIALIST / CRIME SCENE TECHNICIAN

Standard Training Requirements

MANDATED TRAINING:

Field Evidence Technician

Initial Training: Within 1 year of appointment 40 hr. course

Recertification: Not required

Community Service Officer-Basic Course

Initial Training: Within 1 year of appointment
Recertification: Not required

First Aid/CPR

Initial Training: Within 1 year of appointment
Recertification: Every 3 years

Basic Weapons Safety

Initial Training: During orientation
Recertification: Not required

****(80 hr course for basic offered at Ben Clark Training Center in Riverside. Course covers EVOC, 1st Aid, traffic accident inv., report writing, criminal law, I & I, D-tac, and evidence collection)****

ESSENTIAL TRAINING:

Continuing Professional Training (POST)

Initial Training: 24 hours of training every 2 years
Recertification: Not required

Traffic Accident-Basic

Initial Training: Not required
Recertification: Not required

Microsoft Office Suite (Word, Excel, PowerPoint, Access)

Initial Training: Within 1 year of appointment
Recertification: Not required

DESIRABLE TRAINING:

Emergency Vehicle Operations (EVOC)

Initial Training: Within 1 year of appointment
Recertification: Every 2 years

Defensive Tactics

Initial Training: Not required
Recertification: Not required

Tactical Communications

Initial Training: Not required
Recertification: Not required

License / Certificate Requirements:

California Driver's License: Upon appointment

CRIME AND INTELLIGENCE ANALYST

Standard Training Requirements

MANDATED TRAINING:

CLETS/NCIC -Full Access Operator

Initial Training: Within 6 months of appointment

Recertification: Every other year

Parole Leads

Initial Training: Within 6 months of appointment

Recertification: (CLETS) Every other year

DMV

Initial Training: Within 6 months of appointment

Recertification: (CLETS) Every other year

CAD/RMS

Initial Training: Within 1 year of appointment

Recertification: Not required

Crime Stats

Initial Training: Within 1 year of appointment

Recertification: Not required

Risk Assessments

Initial Training: Within 1 year of appointment

Recertification: Not required

Intelligence Analysis

Initial Training: Within 1 year of appointment

Recertification: Not required

MO Profiling

Initial Training: Within 1 year of appointment

Recertification: Not required

IALEIA and BACIAA Annual Training

Initial Training: Within 1 year of appointment

Recertification: Required to maintain certified Crime & Intel certification status

28 CRF part 23 and Public Records Release Act

Initial Training: Within 1 year of appointment

Recertification: Not required

ESSENTIAL TRAINING:

Cal Gang Database

Initial Training: Within 1 year of appointment

Recertification: Not required

Gangs

Initial Training: Not required

Recertification: Not required

Link Analysis

Initial Training: Within 1 year of appointment

Recertification: Not required

Criminal Offender Registration Program

Initial Training: Within 1 year of appointment

Recertification: Not required

Risk Management

Initial Training: Within 1 year of appointment

Recertification: Not required

Crime Mapping

Initial Training: Within 1 year of appointment

Recertification: Not required

eTrace (crime guns)

Initial Training: Within 1 year of appointment

Recertification: Not required

Terrorism

Initial Training: Within 1 year of appointment

Recertification: Not required

Cell Phone Analysis

Initial Training: Within 1 year of appointment

Recertification: Not required

First Aid/CPR

Initial Training: Within 1 year of appointment

Recertification: Every 3 years

Advanced Microsoft Office (Word, Excel, PowerPoint, Access)

Initial Training: Not required

Recertification: Not required

DESIRABLE TRAINING:**Acrobat/Adobe Writer**

Initial Training: Not required

Recertification: Not required

License / Certificate Requirements:

California Driver's License: Upon appointment

PUBLIC SAFETY DISPATCHER**Standard Training Requirements****MANDATED TRAINING****POST Basic Public Safety Dispatcher Academy**

Initial Training: Within 1 year of appointment

Recertification: Not required

CLETS/NCIC -Full Access Operator

Initial Training: Within 6 months of appointment

Recertification: Every other year

Continuing Professional Training (POST)

Recertification: 24 hours of training every 2 years

ESSENTIAL TRAINING**Dispatcher Update Course**

Initial Training: Every two years

Recertification: Not required

Crisis Intervention Training

Initial Training: Not required
Recertification: Not required

First Aid/CPR

Initial Training: Not required
Recertification: Every 2 years to maintain certification

DESIRABLE TRAINING

Parole Leads

Initial Training: Within 6 months of appointment
Recertification: (CLETS) Every other year

DMV

Initial Training: Within 6 months of appointment
Recertification: (CLETS) Every other year

Restraining Order Training

Initial Training: Within 6 months of appointment
Recertification: (CLETS) Every other year

California Restraining & Protective Order System

Initial Training: Within 6 months of appointment
Recertification: (CLETS) Every other year

Dispatcher/ABC'S of Call Taking

Initial Training: Within 2 years of appointment
Recertification: Not required

Tactical Dispatcher Course

Initial Training: Within 3 years of appointment
Recertification: Not required

Hostage Negotiations for Dispatchers

Initial Training: Not required
Recertification: Not required

Courtroom Testimony for Dispatchers

Initial Training: Not required
Recertification: Not required

Assessing the Suicidal Caller for Dispatchers

Initial Training: Not required
Recertification: Not required

Customer Service for Dispatchers

Initial Training: Not required

Recertification: Not required

Stress Management for Dispatchers

Initial Training: Not required

Recertification: Not required

Dispatcher Survival

Initial Training: Not required

Recertification: Not required

License/Certificate Requirements

California Driver's License: Upon Appointment

POST Dispatcher Certificate: Upon completion of probation

National Academies of Emergency Dispatch Advanced EMD Certificate

PUBLIC SAFETY DISPATCH SUPERVISOR**Standard Training Requirements****MANDATED TRAINING****POST Basic Public Safety Dispatcher Academy**

Initial Training: Prerequisite to appointment

Recertification: Not required

Civilian Supervisor

Initial training: Within 1 year of appointment

Recertification: Not required

CLETS/NCIC -Full Access Operator

Initial Training: Within 1 year of appointment

Recertification: Every other year

Continuing Professional Training (POST)

Recertification: 24 hours of training every 2 years

Policy & Procedure Class (PSTC Course)

Initial Training: Within 1 year of appointment

Recertification: Not required

NIMS/SEMS (ICS 100, 200, NIMS 700, 800)

Initial Training: Within 1 year of appointment

Recertification: Not required

First Aid/CPR

Initial Training: Within 1 year of appointment

Recertification: Every 2 years

ESSENTIAL TRAINING

Assertive Supervision

Initial training: within 2 years of appointment

Recertification: not required

Dispatcher Update Course

Initial Training: Not required

Recertification: Every two years

DESIRABLE TRAINING

Hostage Negotiations for Dispatchers

Initial Training: Not required

Recertification: Not required

Courtroom Testimony for Dispatchers

Initial Training: Not required

Recertification: Not required

Assessing the Suicidal Caller for Dispatchers

Initial Training: Not required

Recertification: Not required

Customer Service for Dispatchers

Initial Training: Not required

Recertification: Not required

Stress Management for Dispatchers

Initial Training: Not required

Recertification: Not required

Dispatcher Survival

Initial Training: Not required

Recertification: Not required

License/Certificate Requirements

California Driver's License: Upon Appointment

POST Dispatcher Certificate: Upon completion of probation

PROPERTY AND EVIDENCE SUPERVISOR

Standard Training Requirements

MANDATED TRAINING:

IAPE Basic Evidence Class (16 hr)

Initial Training: Within 1 year of appointment

Recertification: Not required

POST Evidence and Property Managers Course (32 hr)

Initial Training: Within 1 year of appointment

Recertification: Not required

First Aid/CPR

Initial Training: Within 1 year of appointment

Recertification: Every 2 years

ESSENTIAL TRAINING:

California Association for Property & Evidence (CAPE) Training Seminar (32 hr)

Initial Training: Annually

Recertification: Not required

DESIRABLE TRAINING:

Firearms Safety Course (8 hr)

Initial Training: Not required

Recertification: Not required

CAPE Bi-Monthly Chapter Training Meetings (4 hr)

Initial Training: Not required

Recertification: Not required

License / Certificate Requirements:

California Driver's License: Upon appointment

RECORDS CLERK

Standard Training Requirements

MANDATED TRAINING:

Basic Records

Initial Training: Within 1 year of appointment

Recertification: Not required

CLETS/NCIC-Less than Full Access Operator

Initial Training: Within 1 year of appointment

Recertification: Every other year

Public Records Act

Initial Training: Within 1 year of appointment

Recertification: Not required

ESSENTIAL TRAINING:

Continuing Professional Training (POST)-24 hours of training every 2 years

Recertification: Not required

CPR/FIRST AID

Initial Training: Within 1 year of appointment

Recertification: Every 3 Years

DESIRABLE TRAINING:

Verbal Judo

Initial Training: Not required

Recertification: Not required

Customer Service

Initial Training: Not required

Recertification: Not required

License/Certificate Requirements:

California Driver's License: Upon appointment

RECORDS SUPERVISOR

Standard Training Requirements

MANDATED TRAINING

Records Supervisor

Initial training: Within 1 year of appointment

Recertification: Not required

Public Records Act

Initial training: Within 1 year of appointment

Recertification: Every 2 years

CLETS/NCIC -Less than Full Access Operator

Initial Training: Within 1 year of appointment

Recertification: Every other year

CPR/FIRST AID

Initial Training: Within 1 year of appointment

Recertification: Every 3 Years

ESSENTIAL TRAINING

Assertive Supervision

Initial Training: Within 1 year of appointment

Recertification: Not required

DMV Training

Initial Training: Within 1 year of appointment

Recertification: Not required

DESIRABLE TRAINING:

Records Information and Management System (RIMS) Conference

Initial Training: Not required

Recertification: Not required

Verbal Judo

Initial Training: Not required

Recertification: Not required

Annual CLEARs Conference

Initial Training: Not required
Recertification: Not required

ANIMAL CONTROL OFFICER

Standard Training Requirements

MANDATED TRAINING

Basic Animal Control Academy

Initial training: Within 1 year of appointment
Recertification: Not required

POST approved PC 832

Initial training: Within 1 year of appointment
Recertification: Not required

CPR/FIRST AID

Initial Training: Within 1 year of appointment
Recertification: Every 3 Years

Emergency Vehicle Operations (EVOC)

Initial Training: Within 1 year of appointment
Recertification: Every 2 years

Taser

Initial Training: Within 1 year of appointment
Recertification: Every 2 years

Euthanasia

Initial Training: Within 1 year of appointment
Recertification: Not required

Defensive Tactics (OC/Baton)

Initial Training: Within 1 year of appointment
Recertification: Every 2 years

Basic Weapons Safety

Initial Training: During orientation
Recertification: Not required

ESSENTIAL TRAINING:

Advanced Animal Control Academy

Initial Training: Not required

Recertification: Not required

Cruelty Investigation

Initial Training: Not required

Recertification: Not required

Chemical Immobilization

Initial Training: Not required

Recertification: Not required

Situational Awareness

Initial Training: Not required

Recertification: Not required

Report Writing

Initial Training: Not required

Recertification: Not required

Continuing Professional Training (POST)-24 hours of training every 2 years

Recertification: Not required

CPR/FIRST AID

Initial Training: Within 1 year of appointment

Recertification: Every 3 Years

DESIRABLE TRAINING:

Verbal Judo

Initial Training: Not required

Recertification: Not required

Customer Service

Initial Training: Not required

Recertification: Not required

Combating dog fighting POST

Initial Training: Not required

Recertification: Not required

CACDA and CSUS training conferences

Initial Training: Not required
Recertification: Not required

Disaster Preparedness

Initial Training: Not required
Recertification: Not required

Search Warrant Writing

Initial Training: Not required
Recertification: Not required

Interview & Interrogation

Initial Training: Not required
Recertification: Not required

POLICE FACILITY AND EQUIPMENT MANAGER

Standard Training Requirements

MANDATED TRAINING:

None

ESSENTIAL TRAINING:

Motorola radio training/conference

Initial Training: Not required
Recertification: Not required

Facility oriented training/conference

Initial Training: Not required
Recertification: Not required

Associated Public Safety Communications Officers Conference

Initial Training: Not required
Recertification: Not required

OSHA training

Initial Training: Not required
Recertification: Not required

DESIRABLE TRAINING:

Grant writing

Initial Training: Not required

Recertification: Not required

Budget class

Initial Training: Not required

Recertification: Not required

BUSINESS SERVICES MANAGER

Standard Training Requirements

MANDATED TRAINING:

None

ESSENTIAL TRAINING:

Government Finance Officers Association (GFOA) - Advanced Governmental Accounting

Initial Training: Not required

Recertification: Not required

GFOA - Best Practices in Budgeting and Fiscal Policy

Initial Training: Not required

Recertification: Not required

GFOA - Internal Controls

Initial Training: Not required

Recertification: Not required

GFOA - Performance measures

Initial Training: Not required

Recertification: Not required

American Payroll Association (APA) - Payroll Tax Forum

Initial Training: Not required

Recertification: Not required

APA - Legislative updates

Initial Training: Not required

Recertification: Not required

DESIRABLE TRAINING:

GFOA - Best Practices and Effective Budget Presentation

Initial Training: Not required

Recertification: Not required

GFOA - Accounting for Pensions and OPEBAPA Annual Conference

Initial Training: Not required

Recertification: Not required

GFOA – Budget Analyst Training Academy

Initial Training: Not required

Recertification: Not required

GFOA – Advanced Financial Reporting

Initial Training: Not required

Recertification: Not required

INFORMATION TECHNOLOGY MANAGER

Standard Training Requirements

MANDATED TRAINING

None

ESSENTIAL TRAINING:

CAD RMS Mobile Training Conference

Initial Training: Not required

Recertification: Not required

MISAC Annual State Training Conference

Initial Training: Not required

Recertification: Not required

Mapping and GIS – Esri Annual Training Conference

Initial Training: Not required

Recertification: Not required

Cyber Security Threat Awareness

Initial Training: Not required

Recertification: Not required

Microsoft Public Safety Technology Conference

Initial Training: Not required

Recertification: Not required

DESIRABLE TRAINING:

Presentation Skills

Initial Training: Not required

Recertification: Not required

INFORMATION TECHNOLOGY SPECIALIST

Standard Training Requirements

MANDATED TRAINING:

None

ESSENTIAL TRAINING:

CAD RMS Training Conference

Initial Training: Not required

Recertification: Not required

Virtual Server Technology and Storage Management

Initial Training: Not required

Recertification: Not required

Microsoft Server and Desktop OS Updates

Initial Training: Not required

Recertification: Not required

Mobile Device Management and Security

Initial Training: Not required

Recertification: Not required

Microsoft SQL Database Technology Updates

Initial Training: Not required

Recertification: Not required

MISAC Regional Chapter Meetings

Initial Training: Not required

Recertification: Not required

EOC Operations

Initial Training: Not required

Recertification: Not required

PVR Technology Updates

Initial Training: Not required

Recertification: Not required

Network Performance Monitoring

Initial Training: Not required

Recertification: Not required

DESIRABLE TRAINING:

MISAC Annual State Training Conference

Initial Training: Not required

Recertification: Not required

Seminars on Trending Technologies

Initial Training: Not required

Recertification: Not required

Cyber Security Threat Awareness

Initial Training: Not required

Recertification: Not required

TASK ASSIGNMENT

- ARMORER
- BICYCLE PATROL
- BICYCLE PATROL INSTRUCTOR
- CANINE HELPER
- CANINE HANDLER
- COMMUNICATIONS TRAINING OFFICER
- CRIME PREVENTION SPECIALIST
- DEFENSIVE TACTICS INSTRUCTOR
- DETECTIVE
 - Crimes Against Persons
 - Juvenile/Sex Crimes
 - Property Crimes
 - Computer Forensics
 - Generalist
- DETECTIVE SERGEANT
- FIELD TRAINING OFFICER
- FIRST AID/CPR INSTRUCTOR
- GANG TASK OFFICER
- HOSTAGE NEGOTIATION TEAM
- PEER SUPPORT
- PROFESSIONAL STANDARDS SERGEANT
- RANGE INSTRUCTOR
- SCHOOL RESOURCE OFFICER
- SPECIAL OPERATIONS OFFICER (NARCOTICS)
- SWAT
- TACTICAL DISPATCHER
- TRAFFIC OFFICER
- TRAFFIC SERGEANT
- TRAINING SERGEANT

ARMORER

Standard Training Requirements:

MANDATED TRAINING:

Glock Armorer (All members of Range Staff)

Initial Training: Within 1 year of appointment

Recertification: Required every two years

AR15 (All members of Range Staff)

Initial Training: Within 1 year of appointment

Recertification: Required every two years (1 year grace period)

ESSENTIAL TRAINING:

Armorer-Remington Shotgun (Three members of Range Staff)

Initial Training: Within 1 year of appointment

Recertification: Required every 3 years

Armorer-H & K – (3 SWAT team members, 2 LPD Range Staff)

Initial Training: Within 1 year of being chosen by SWAT Commander or Range Master

Recertification: Required every two years (1 year grace period)

DESIRABLE TRAINING:

Less Lethal Munitions (37 / 40 mm, FN303)

Initial Training: Not required

Recertification: Not required

BICYCLE PATROL

Standard Training Requirements:

MANDATED TRAINING:

Bicycle Patrol-Basic

Initial Training: Within 1 year of appointment

Recertification: Not Required

ESSENTIAL TRAINING:

None

DESIRABLE TRAINING:

Bicycle Patrol Advanced

Initial Training: Not required

Recertification: Not required

BICYCLE PATROL INSTRUCTOR

Standard Training Requirements:

MANDATED TRAINING:

Bicycle Patrol Instructor

Initial Training: Within 1 year of appointment

Recertification: Not required

ESSENTIAL TRAINING:

None

DESIRABLE TRAINING:

Bicycle Patrol Advanced

Initial Training: Not required

Recertification: Not required

POST Instructor Development

Initial Training: Not required

Recertification: Not required

CANINE HANDLER

Standard Training Requirements:

MANDATED TRAINING:

Basic Canine Handler

Initial Training: Within 1 year of appointment

Recertification: Not required

Canine Team Evaluation/Certification

Initial Training: Upon completion of Canine Basic Training

Recertification: Annually

ESSENTIAL TRAINING:

Canine Liability

Initial Training: Within 1 year of appointment

Recertification: Not required

Canine Handler (Advanced)

Initial Training: Within 2 years of appointment

Recertification: Not required

Basic Canine Tracking School

Initial Training: Within 2 years of completing basic handler

Recertification: Not required

DESIRABLE TRAINING:

CANINE HELPER

Standard Training Requirements:

MANDATED TRAINING:

Canine Helper Training

Initial Training: Within 1 year of appointment

Recertification: Not required

ESSENTIAL TRAINING:

None

DESIRABLE TRAINING:

COMMUNICATIONS TRAINING OFFICER

Standard Training Requirements

MANDATED TRAINING:

Communications Training Officer School

Initial Training: Within 1 year of appointment, prior to 1st trainee
Recertification: Not required

CLETS/NCIC Train the Trainer

Initial Training: Within 1 year of appointment
Recertification: Not required

NIMS/SEMS (ICS 100, 200, NIMS 700, 800 – Train the Trainer

Initial Training: Within 1 year of appointment
Recertification: Not required

ESSENTIAL TRAINING:

Communications Training Officer Update

Initial Training: 3 years after CTO course
Recertification: 24 hours of training every 2 years

DESIRABLE TRAINING:

None

CRIME PREVENTION SPECIALIST

Standard Training Requirements

MANDATED TRAINING:

Crime Prevention (Basic)

Initial Training: Within 1 year of appointment
Recertification: Not required

ESSENTIAL TRAINING:

Crime Prevention through Environmental Design (CPTED)

Initial Training: Within 1 year of appointment
Recertification: Not required

Microsoft Office Suite (Word, Excel, Access, PowerPoint)

Initial Training: Within 2 years of appointment
Recertification: Not required

DESIRABLE TRAINING:

Volunteers in Policing

Initial Training: Within 1 year of appointment
Recertification: Not required

Crime Free Multi-housing: Train the Trainer

Initial Training: Within 1 year of appointment
Recertification: Not required

DEFENSIVE TACTICS INSTRUCTOR

Standard Training Requirements

MANDATED TRAINING:

Defensive Tactics Instructor

Initial Training: Within 1 year of appointment
Recertification: Not required

Impact Weapon Instructor Training (if designated as an impact weapon instructor)

Initial Training: Within 1 year of appointment
Recertification: Not required

WRAP Restraint Device Instructor

Initial Training: Within 1 year of appointment
Recertification: Not required

TASER Instructor (3 instructors only)

Initial Training: Within 1 year of appointment
Recertification: Required every two years

ESSENTIAL TRAINING:

Defensive Tactics Instructor Update

Initial Training: Every 3 years
Recertification: Not required

Impact Weapon Instructor Update (if designated as an impact weapon instructor)

Initial Training: Every 3 years
Recertification: Not required

Riot Control Baton

Initial Training: Not required
Recertification: Not required

Krav Maga Instructor

Initial Training: Not required

Recertification: Not required

DESIRABLE TRAINING:

Weapon Retention and Takeaway

Initial Training: Not required

Recertification: Not required

Ground Control (Grappling) Tactics Instructor

Initial Training: Not required

Recertification: Not required

Use of Force Review/Legal Issues Training

Initial Training: Not required

Recertification: Not required

Prevention of In-custody Death Instructor

Initial Training: Not required

Recertification: Not required

Instructor Development

Initial Training: Not required

Recertification: Not required

DETECTIVE CRIMES AGAINST PERSONS

Standard Training Requirements

MANDATED TRAINING:

Criminal Investigation ICI Core Course

Initial Training: Within 1 year of appointment

Recertification: Not Required

ESSENTIAL TRAINING:

Sexual Assault Investigation (ICI)

Initial Training: Within 1 year of appointment

Recertification: Not Required

Interview and Interrogation

Initial Training: Within 1 year of appointment

Recertification: Not Required

Child Abuse Investigation (ICI)

Initial Training: Within 2 years of appointment

Recertification: Not Required

Homicide Investigation (ICI)

Initial Training: Within 2 years of appointment

Recertification: Not Required

Search Warrant School

Initial Training: Within 1 year of appointment

Recertification: Not required

Robbery Investigation (ICI)

Initial Training: Not required

Recertification: Not required

Domestic Violence (ICI)

Initial Training: Not required

Recertification: Not required

DOJ Missing Persons

Initial Training: Not required

Recertification: Not required

Officer Involved Shootings

Initial Training: Not required

Recertification: Not required

DESIRABLE TRAINING:

Advanced Homicide Investigation

Initial Training: Not required

Recertification: Not required

Gang Investigation

Initial Training: Not required

Recertification: Not required

Victimology / Profiling

Initial Training: Not required

Recertification: Not required

Basic Blood Stain Pattern Analysis (Forensic Pieces)

Initial Training: Not required

Recertification: Not required

Position Relevant Conferences

CHIA, CRIA, CSAIA

Initial Training: Not required

Recertification: Not required

License/Certificate Requirements:

DETECTIVE JUVENILE / SEX CRIMES

Standard Training Requirements

MANDATED TRAINING:

Criminal Investigation ICI Core Course

Initial Training: Within 1 year of appointment

Recertification: Not Required

Sexual Assault Investigation

Initial Training: Within 1 year of appointment

Recertification: Not Required

Child Sexual Assault Investigation

Initial Training: Within 1 year of appointment

Recertification: Not Required

Child Abuse Investigation

Initial Training: Within 2 years of appointment

Recertification: Not Required

ESSENTIAL TRAINING:

Advanced Sexual Assault Investigation

Initial Training: Not required

Recertification: Not required

Internet Crimes Against Children

Initial Training: Within 2 years of appointment

Recertification: Not Required

Interview and Interrogation

Initial Training: Within 1 year of appointment

Recertification: Not Required

Multidisciplinary Interviewing of Child Abuse Victims

Initial Training: Not required

Recertification: Not Required

Child Exploitation Investigations

Initial Training: Not required

Recertification: Not Required

Search Warrant School

Initial Training: Not required

Recertification: Not required

Homicide Investigation (ICI)

Initial Training: Not required

Recertification: Not required

DOJ Missing Persons

Initial Training: Not required

Recertification: Not required

Victimology / Profiling

Initial Training: Not required

Recertification: Not required

DESIRABLE TRAINING:

Domestic Violence (ICI)

Initial Training: Not required

Recertification: Not required

Interviewing Perpetrators of Sexual Assaults

Initial Training: Within 1 year of appointment

Recertification: Not Required

Basic Blood Stain Pattern Analysis (Forensic Pieces)

Initial Training: Not required

Recertification: Not required

Position Relevant Conferences / Meetings

CSAIA / Offender Parolee Profiling Meeting / CALICO Review

Initial Training: Not required

Recertification: Not required

DETECTIVE PROPERTY CRIMES

Standard Training Requirements

MANDATED TRAINING:

Criminal Investigation ICI Core Course

Initial Training: Within 1 year of appointment

Recertification: Not Required

Fraud/Forgery/Financial Crime Investigations (ICI)

Initial Training: Within 1 year of appointment

Recertification: Not Required

Identity Theft Investigations (ICI)

Initial Training: Within 1 year of appointment

Recertification: Not Required

ESSENTIAL TRAINING:

Interview and Interrogation

Initial Training: Within 1 year of appointment

Recertification: Not Required

Search Warrant School

Initial Training: Within 1 year of appointment

Recertification: Not required

Homicide Investigation (ICI)

Initial Training: Within 2 years of appointment

Recertification: Not Required

DESIRABLE TRAINING:

Sexual Assault Investigation

Initial Training: Within 1 year of appointment
Recertification: Not Required

Child Abuse Investigation

Initial Training: Within 2 years of appointment
Recertification: Not Required

Robbery Investigation (ICI)

Initial Training: Not required
Recertification: Not required

Domestic Violence (ICI)

Initial Training: Not required
Recertification: Not required

Computer Crime (ICI)

Initial Training: Not required
Recertification: Not required

Basic Blood Stain Pattern Analysis (Forensic Pieces)

Initial Training: Not required
Recertification: Not required

Position Relevant Conferences (CHIA, CRIA, CFCIA, CSAIA)

Initial Training: Not required
Recertification: Not required

DETECTIVE COMPUTER FORENSICS EXPERT**Standard Training Requirements****MANDATED TRAINING:****ESSENTIAL TRAINING:****Criminal Investigation ICI Core Course**

Initial Training: Within 1 year of appointment
Recertification: Not Required

Computer Crime (ICI)

Initial Training: Not required
Recertification: Not required

DESIRABLE TRAINING:

None

DETECTIVE GENERALIST

Standard Training Requirements

MANDATED TRAINING:

Criminal Investigation ICI Core Course

Initial Training: Within 1 year of appointment

Recertification: Not Required

Sexual Assault Investigation

Initial Training: Within 1 year of appointment

Recertification: Not Required

ESSENTIAL TRAINING:

Interview and Interrogation

Initial Training: Within 1 year of appointment

Recertification: Not Required

Child Abuse Investigation

Initial Training: Within 2 years of appointment

Recertification: Not Required

Homicide Investigation (ICI)

Initial Training: Within 2 years of appointment

Recertification: Not Required

DESIRABLE TRAINING:

Identity Theft (ICI)

Initial Training: Not required

Recertification: Not required

Robbery Investigation (ICI)

Initial Training: Not required

Recertification: Not required

Domestic Violence (ICI)

Initial Training: Not required

Recertification: Not required

Computer Crime (ICI)

Initial Training: Not required

Recertification: Not required

Basic Blood Stain Pattern Analysis (Forensic Pieces)

Initial Training: Not required

Recertification: Not required

Position Relevant Conferences (CHIA, CRIA, CFCIA, CSAIA)

Initial Training: Not required

Recertification: Not required

DETECTIVE SERGEANT**Standard Training Requirements****MANDATED TRAINING:****Sexual Assault Investigation**

Initial Training: Within 1 year of appointment

Recertification: Not Required

ESSENTIAL TRAINING:**ICI Management and Supervision of Detective Units**

Initial Training: Within 1 year of appointment

Recertification: Not required

Criminal Investigation ICI Core Course

Initial Training: Within 1 year of appointment

Recertification: Not Required

Interview and Interrogation

Initial Training: Within 1 year of appointment

Recertification: Not Required

Child Abuse Investigation Techniques

Initial Training: Within 2 years of appointment

Recertification: Not Required

Homicide Investigation (ICI)

Initial Training: Within 2 years of appointment
Recertification: Not Required

Officer Involved Shooting Investigations-Management/Supervision

Initial Training: Within 2 years of appointment
Recertification: Not required

Internal Affairs Investigation

Initial Training: Within 2 years of appointment
Recertification: Not required

DESIRABLE TRAINING:

Identity Theft (ICI)

Initial Training: Not required
Recertification: Not required

Robbery Investigation (ICI)

Initial Training: Not required
Recertification: Not required

Domestic Violence (ICI)

Initial Training: Not required
Recertification: Not required

Computer Crime (ICI)

Initial Training: Not required
Recertification: Not required

Gang Investigation

Initial Training: Not required
Recertification: Not required

Position Relevant Conferences

CHIA, CRIA, CFCIA, CSAIA

Initial Training: Not required
Recertification: Not required

FIELD TRAINING OFFICER

Standard Training Requirements in addition to the Police Officer requirements

MANDATED TRAINING:

Field Training Officer

Initial Training: Within 6 months of appointment, prior to 1st Trainee
Recertification: Not Required

Field Training Officer Update

Initial Training: Within 3 years of basic FTO Course
Recertification: 24 hours every 3 years

ESSENTIAL TRAINING:

Legislative Legal Update

Initial Training: Not required
Recertification: Annually

CSTI

Initial Training: Not required
Recertification: Not required

Critical Incident Management

Initial Training: Not required
Recertification: Not required

DESIRABLE TRAINING:

Assertive Supervision

Initial Training: Not required
Recertification: Not required

Report Writing for Instructors

Initial Training: Not required
Recertification: Not required

POST Instructor Development

Initial Training: Not required
Recertification: Not required

FIRST AID/ CPR INSTRUCTOR

Standard Training Requirements

MANDATED TRAINING:

First Aid / CPR Instructor (POST, American Heart, Red Cross)

Initial Training: Within 6 months of appointment

Recertification: Not Required

First Aid / CPR Instructor Update (American Heart or Red Cross)

Initial Training: Within 3 years of Basic First Aid Instructor course

Recertification: Every 3 years

ESSENTIAL TRAINING:

First Aid/Automatic External Defibrillators

Initial Training: Within 1 year of appointment

Recertification: Not required

DESIRABLE TRAINING:

POST Instructor Development

Initial Training: Not required

Recertification: Not required

EMT Certification:

Initial Training: Not required

Recertification: If certified, then once every 2 years

GANG OFFICER

Standard Training Requirements in addition to the Police Officer requirements

MANDATED TRAINING:

Gang Investigations (ICI)

Initial Training: Within 1 year of appointment

Recertification: Not Required

ESSENTIAL TRAINING:

None

DESIRABLE TRAINING:

None

HOSTAGE NEGOTIATOR

Standard Training Requirements

MANDATED TRAINING:

Hostage Negotiations-Basic

Initial Training: Within 1 year of appointment

Recertification: Not required

ESSENTIAL TRAINING:

CAHN Regional Training Meetings

Initial Training: Not required

Recertification: Not required

Hostage Negotiations-Advanced

Initial Training: Within 5 years of Basic Course

Recertification: Not required

Hostage Negotiations for Command Personnel (Team Leader)

Initial Training: Within 1 year of appointment

Recertification: Not required

DESIRABLE TRAINING:

CAHN Annual Conference

Initial Training: Not required

Recertification: Not required

Domestic Violence for Crisis Negotiators

Initial Training: Not required

Recertification: Not required

PEER SUPPORT COUNSELOR

Standard Training Requirements

MANDATED TRAINING:

Basic Peer Support

Initial Training: Within 1 year of appointment

Recertification: Not required

ESSENTIAL TRAINING:

None

DESIRABLE TRAINING:

Intermediate Peer Support

Initial Training: Not required

Recertification: Not required

Advanced Peer Support:

Initial Training: Not required

Recertification: Not required

PEER SUPPORT COORDINATOR

Standard Training Requirements

MANDATED TRAINING:

Basic Peer Support

Initial Training: Within 1 year of appointment

Recertification: Not required

ESSENTIAL TRAINING:

None

DESIRABLE TRAINING:

Intermediate Peer Support

Initial Training: Not required

Recertification: Not required

Advanced Peer Support:

Initial Training: Not required

Recertification: Not required

PROFESSIONAL STANDARDS SERGEANT

Standard Training Requirements in addition to Police Sergeant Requirements

MANDATED TRAINING:

Internal Affairs

Initial Training: Within 1 year of appointment
Recertification: Not required

POST Electronic Data Interchange (EDI)

Initial Training: Within 1 year of appointment
Recertification: Not required

Training Manager

Initial Training: Within 1 year of appointment
Recertification: Not required

ESSENTIAL TRAINING:

Officer Involved Shootings

Initial Training: Within 1 year of appointment
Recertification: Not required

Microsoft Office Suite (Word, Excel, PowerPoint, Access)

Initial Training: Within 2 years of appointment
Recertification: Not required

DESIRABLE TRAINING:

Background Investigation

Initial Training: Not required
Recertification: Not required

Legislative Legal Update

Initial Training: Not required
Recertification: Not required

RANGE INSTRUCTOR

Standard Training Requirements

MANDATED TRAINING:

Firearms Instructor

Initial Training: Within 1 year of appointment
Recertification: Not required

ESSENTIAL TRAINING:

Less Lethal Weapons Instructor

Initial Training: Within 1 year of appointment

Recertification: Not required

Firearms Instructor Update

Initial Training: Within 3 years of basic instructor course

Recertification: Not required

Patrol Rifle Instructor

Initial Training: Within 2 years of appointment

Recertification: Not Required

DESIRABLE TRAINING:

POST Instructor Development

Initial Training: Not required

Recertification: Not required

Firearms/Survival Shooting Instructor

Initial Training: Not required

Recertification: Not required

Tactical Shotgun Instructor Course

Initial Training: Not required

Recertification: Not required

Sub-Machine Gun Instructor Course

Initial Training: Not required

Recertification: Not required

SCHOOL RESOURCE OFFICER

Standard Training Requirements

MANDATED TRAINING:

School Resource Officer-Basic

Initial Training: Within 1 year of appointment

Recertification: Not Required

Child Abuse-Sexual Assault

Initial Training: Within 1 year of appointment
Recertification: Not Required

ESSENTIAL TRAINING:

Juvenile Legal Update

Initial Training: Within 1 year of appointment
Recertification: Not Required

Forensic Interviewing

Initial Training: Within 1 year of appointment
Recertification: Not Required

Gang Awareness

Initial Training: Within 2 years of appointment
Recertification: Not Required

Cal Gang

Initial Training: Within 2 years of appointment
Recertification: Not Required

Drug Abuse Recognition

Initial Training: Within 2 years of appointment
Recertification: Not Required

DESIRABLE TRAINING:

Youth Access to Tobacco (308 PC)

Initial Training: Not required
Recertification: Not required

Interview and Interrogation

Initial Training: Not required
Recertification: Not required

School Resource Officer-Intermediate

Initial Training: Not required
Recertification: Not required

Field Evidence Technician

Initial Training: Not required
Recertification: Not required

Robert Presley ICI Core Course

Initial Training: Not required

Recertification: Not required

SPECIAL WEAPONS AND TACTICS OFFICER

Standard Training Requirements

MANDATED TRAINING:

Basic SWAT

Initial Training: Within 6 months of appointment, prior to deployment

Recertification: Not required

Regional SWAT Monthly Training

Initial Training: Within 1 month of appointment

Recertification: 8 hours every month

Rifle-Short/Long Barrel

Initial Training: Prior to weapon use

Recertification: Not required

Tactical Commander/Critical Incident Commander (Team Leader)

Initial Training: Within 1 year of appointment

Recertification: Not required

POST Certified SWAT Update/Refresher

Initial Training: Within 2 years of Basic course

Recertification: Every 2 years

ESSENTIAL TRAINING:

Special Weapons and Tactics-Advanced

Initial Training: Within 3 years of appointment

Recertification: Not required

Diversionsary Device Instructor

Initial Training: Within 1 year of appointment

Recertification: Not required

DESIRABLE TRAINING:

TACTICAL DISPATCHER

Standard Training Requirements

MANDATED TRAINING

Tactical Dispatcher Course

Initial Training: Every two years

Recertification: Not required

Hostage Negotiations School – Basic

Initial Training: Within 1 year of appointment

Recertification: Not required

ESSENTIAL TRAINING

Hostage Negotiations School – Advanced

Initial Training: Within 1 year of appointment

Recertification: Not required

Tactical Dispatcher Course – Advanced

Initial Training: Within 1 year of appointment

Recertification: Not required

CAHN Regional Training Meetings

Initial Training: Not required

Recertification: Not required

DESIRABLE TRAINING

Tactical Dispatchers Association Conference

Initial Training: Not required

Recertification: Not required

CAHN Annual Conference

Initial Training: Not required

Recertification: Not required

TRAFFIC OFFICER (Including Motors)

Standard Training Requirements

MANDATED TRAINING:

Basic Motorcycle Officer Course

Initial Training: Within 6 months of appointment, prior to solo riding

Recertification: Not required

Radar Operator

Initial Training: Within 1 year of appointment

Recertification: Not required

LIDAR Operator

Initial Training: Within 1 year of appointment

Recertification: Not required

Traffic Accident-Basic

Initial Training-Within 1 year of appointment

Recertification: Not required

ESSENTIAL TRAINING:

Traffic Accident-Intermediate; Skid mark

Initial Training: Within 1 year of appointment

Recertification: Not required

Traffic Accident-Advanced

Initial Training: Within 2 years of appointment

Recertification: Not required

Commercial Vehicle Enforcement

Initial Training: Within 2 years of appointment

Recertification: Not required

Total Station Training

Initial Training: Within 2 years of appointment

Recertification: Not required

Airbag Deployment

Initial Training: Within 2 years of appointment

Recertification: Not required

Standardized Field Sobriety Test (SFST)

Initial Training: Within 2 years of appointment

Recertification: Not required

DESIRABLE TRAINING:

Traffic Accident Reconstruction

Initial Training: Not required

Recertification: Not required

Interview and Interrogation

Initial Training: Not required

Recertification: Not required

Train Collision Investigation

Initial Training: Within 2 years of appointment

Recertification: Not required

License / Certificate Requirements:

California Driver's License Class M endorsement: Upon appointment for motors only

TRAFFIC SERGEANT

Standard Training Requirements

MANDATED TRAINING:

Traffic Accident-Basic

Initial Training: Within 1 year of appointment

Recertification: Not required

Radar Operator

Initial Training: Within 1 year of appointment

Recertification: Not required

ESSENTIAL TRAINING:

Traffic Accident-Intermediate; Skid mark

Initial Training: Within 1 year of appointment

Recertification: Not required

Traffic Accident-Advanced

Initial Training: Within 2 years of appointment

Recertification: Not required

Special Events Planning

Initial Training: Within 1 year of appointment

Recertification: Not required

CSAA Legal Traffic Update

Initial Training: Within 1 years of appointment

Recertification: Annually

DESIRABLE TRAINING:

Solo Motorcycle Training

Initial Training: Not required

Recertification: Not required

Traffic Accident Reconstruction

Initial Training: Not required

Recertification: Not required

License / Certificate Requirements:

California Driver's License Class M endorsement: Prior to solo motorcycle riding

Donation Receipt.pdf

Livermore Police Department
1110 South Livermore Ave., Livermore, CA 94550
Donation Receipt

Pre-Approval

Date: _____
Time: _____

Initials _____
Support Services Captain

Donor: _____

Address: _____

Phone: _____ Ext. _____

Purpose of donation: _____

Amount/Value of donation: _____

_____ Cash _____ Check _____ Other

Description of non-cash donation:

Delivered by: _____

Accepted by: _____

It shall be made clear to all who choose to contribute goods, services or money to the Livermore Police Department that no expectation of preferential services or treatment either expressed or implied will result from the donation.

Charitable contributions to governmental units are tax-deductible under section 170(c)(1) of the Internal Revenue Code if made for a public purpose.

Thank you for your donation.

Approval and Routing

Support Services Captain: _____ Date: _____

Business Services Manager _____ Date Received: _____

Copies to: _____ Chief _____ Professional Standards

Program: _____

Fund: _____ Account _____

LPD Ethical Standards Form.pdf

Livermore Police Department Ethical Standards

I acknowledge that I have met with my supervisor and discussed the following ethical standards. I understand that maintaining the highest level of integrity is required of all Livermore Police Department employees, and that serious discipline, up to and including termination, will be imposed on those employees culpable for any of the following misconduct:

1. Dishonesty or misrepresenting the truth in any official document or communication involving official City or Police Department business, either orally or in writing, except when necessary as a legitimate tactic to conduct a criminal investigation.
2. Engaging in any form of sexual harassment. This includes any unwanted comments or contact as defined in the sexual harassment policy (attached).
3. Discriminating against any person because of race, color, creed, religion, sex, sexual preference, national origin, ancestry, marital status, physical handicap, medical condition, or political affiliation. Making disparaging statements or writing disparaging ethnic remarks, whether or not intended as humor.
4. Illegal consumption of controlled substances, being present where controlled substances are being illegally used, or knowingly abusing prescription medication.
5. Accepting gratuities of any sort or description.
6. Any off duty conduct that brings the Livermore Police Department or the City into disrepute.

The aforementioned standards of conduct for employees of the Livermore Police Department do not alter or diminish any current written policy governing the conduct of such employees.

Employee Name (printed)

Employee Signature

Supervisor Signature

Date

**ALCO Law Enforcement CIT
Resource Guide July 2012.pdf**

Alameda County Law Enforcement

CIT Resource Guide



Produced by Eden I&R, Inc. for the Oakland Police Department
and Alameda County Behavioral Health Care Services

NEED HELP?

2-1-1 gives you FREE information - over the phone
about housing, health and
social services throughout Alameda County

2-1-1 has information to help you find...

- Affordable housing
- After-school programs
- Tenants' rights assistance
- Public assistance programs
 - Emergency shelter
- Hot meals and food programs
- Rental and utility assistance
- Services for battered women
 - And more

SIMPLY DIAL ***2-1-1***

24 hours a day/7days a week
In Multiple Languages/TTY

Note: 2-1-1 is available through all cell phone carriers; airtime
charges may apply

If 2-1-1 is temporarily unavailable on your phone, call
1(888) 886-9660

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MENTAL HEALTH PROGRAMS

ACCESS Program:

1-800-491-9099

Acute Crisis Care and Evaluation for System-wide Services.
Alameda County residents can use this number to be referred to all
County Mental health and substance abuse services.

Asian ACCESS Program:

510-869-7200

Staff are fluent in Cantonese, Mandarin and Vietnamese. Other
Asian languages and dialects are available by arrangement.

310 8th Street Suite 201

Oakland

FERC Program: Family Education and Resource Center

1-888-896-3372 (FERC) - Monday-Friday 9:00 AM to 5:00 PM

www.askferc.org

Provides education, hope and support to the families and caregivers
of children, adolescents, youth, adults and older adults with serious
mental illness across all regions of Alameda County.

7200 Bancroft Avenue, Suite 269

Oakland, CA 94605

MENTAL HEALTH FACILITIES

John George Psychiatric Pavilion **510-346-7500**

Alameda County's psychiatric inpatient hospital which offers psychiatric emergency services and acute inpatient services for adults.

2060 Fairmont Drive
San Leandro

Willow Rock **510-483-3030 Ext. 3**

Offers a crisis stabilization unit for minors age 12 through 17 years.

2050 Fairmont Drive
San Leandro

Children's Hospital Oakland, Center for the Vulnerable Child

510-428-3783

Offers psychiatric assessment and referral services for minors age 11 years and younger.

5275 Claremont Avenue
Oakland

Alta Bates: Herrick Campus **510-204-4444**

2001 Dwight Way
Berkeley

Sausal Creek Outpatient Stabilization Clinic

510-437-2363 - Open:

Mon – Friday 8AM – 8 PM

Saturday 8AM – 4 PM

Sunday – Closed

Provides treatment and support to adults living in Alameda County who have mental health needs that can't wait.

2620 26th Avenue
Oakland

Department of Veterans Affairs (VA) - Oakland Behavioral Health (OBH) Clinic

510-587-3400 - Monday-Friday, 8-4:30

Provides a full range of mental health and substance abuse evaluation and treatment services.

525 - 21st Street
Oakland CA 94612

CRISIS SERVICES

Alameda County Crisis Response **1-800-491-9099**

Participant-centered, goal-oriented process for assessing the needs of an individual. Case managers assist the client in obtaining services. Reached through ACCESS.

Crisis Support Services

1-800-309-2131 - 24-Hour Crisis Line for all ages.
www.crisissupport.org

ADVOCACY SERVICES

Mental Health Association of Alameda County **510-835-5010**

John George Psychiatric Pavilion & Criminal Justice Liaison **510-835-0188**

Advocates on behalf of persons with mental illness and their families.

954 60th Street, Suite 10
Oakland, CA 94608

National Alliance on Mental Illness **510-835-5010** - NAMI Alameda

Oakland

510-524-1250 - NAMI East Bay
Berkeley, Albany

925-980-5331 - NAMI Tri-Valley
Livermore, Pleasanton, Dublin

510-378-1578 - NAMI South County
FremontMental Health Support Services

MENTAL HEALTH SUPPORT SERVICES

Helping families cope with mental illness

Family/Caregiver Support Program

510-835-0198

Family Alliance for the Mentally Ill: A mutual support, education and advocacy group which holds an educational meeting at 7:30pm on the 2nd Thursday of each month at John George Pavilion.

African American Family Support Group - Mental Health Association

510-835-5010

Asian Community Mental Health Services

510-451-5192

Multi-cultural, multi-lingual confidential on-site outpatient mental health care.

310 8th Street Suite 201

Oakland

Casa del Sol (La Clinica de la Raza)

510-535-6200

Provides bilingual Spanish and bicultural mental health services including individual and family therapy for children, adolescents and adults.

Familias Unidas Parent Support Group - La Familia Counseling Service

510-881-5921

United Advocates for Children and Families (UACF)

510-383-5118

Offers training, education, parenting classes, AB 3632 advocacy and a Family Partnership program.

DEVELOPMENTAL DISABILITIES

Helpful Numbers

Crisis Response Project:

510-727-8850 24/7

Investigative Information to Consider:

Questions for Care Provider:

1. Is the person a Regional Center consumer?
2. Do they make use of Crisis Response Program services?
3. Has the Crisis Response Program been called?
4. Does this person have health concerns?
*caution with physical restraint
5. Does the individual take medication?
For what? Current?
6. What type of setting do they live in?
Group home? Independent living?
7. Does the individual have a behavior plan?
Is it being followed?

Crisis Communication: Reminders

- Use simple vocabulary words.
- Ask one straight forward question at a time.
- Use short sentences.
- Wait for the answer.
- Avoid asking leading questions.
- Check for understanding.
- Use concrete language...be literal.
- Limit the number of people.
- Remove other consumers.
- Give choices.
- Identify triggers and remove them.

CIT: Mental Health Crisis Numbers

NORTH COUNTY

Oakland/Berkeley/San Leandro/Alameda/Emeryville/
Albany/Piedmont

FOR LAW ENFORCEMENT ONLY

Alameda Crisis Response Program: Mental Health

1-800-491-9099 ACCESS Referral #

510-268-7837 North: Clinical Consultation

Mon - Fri 8:30-5:00

568 W. Grand Avenue

Oakland

John George Psychiatric Pavilion

510-346-1421 - PES Nurses Station Ask for Charge Nurse

2060 Fairmont Drive

San Leandro

Willow Rock - Ages 12-17

510-483-3030 press 1

Children's Hospital - Under Age 12

510-428-3240

Santa Rita Jail

925-551-6782

925-551-6905 - Mental Health Booking

(7 days/wk, Days and 3rd watch hours)

North County Jail - Glenn Dyer

510-268-7871

Cherry Hill Detox

510-346-7839

East Bay Regional Center - Developmental Disabilities

925-776-4532 - Crisis Response Project

Adult Protective Services

1-866-225-5277 or 510-577-3500 - 24/7

Alzheimer's Help Line

1-800-272-3900

Safe Return: Medic Alert #1-800-607-2565 (Member ID #)

CIT: Mental Health Crisis Numbers

SOUTH COUNTY

Hayward/Fremont/Union City/Castro Valley

FOR LAW ENFORCEMENT ONLY

South County Crisis Response Program

1-800-491-9099 ACCESS Referral #

510-667-4901 South: Clinical Consultation

Fairmont Hospital Campus

15750 Foothill Blvd

San Leandro

Fremont Crisis Response Program

1-800-491-9099 ACCESS Referral #

510-795-2487 Fremont: Clinical Consultation

Fremont Family Resource Center

39155 Liberty Street Suite G710

Fremont

John George Psychiatric Pavilion

510-346-1421 - PES Nurses Station Ask for Charge Nurse

2060 Fairmont Drive

San Leandro

Willow Rock - Ages 12-17

510-483-3030 press 1

Children's Hospital - Under Age 12

510-428-3240

Santa Rita Jail

925-551-6782

925-551-6905 - Mental Health Booking

(7 days/wk, Days and 3rd watch hours)

North County Jail - Glenn Dyer

510-268-7871

Cherry Hill Detox

510-346-7839

East Bay Regional Center - Developmental Disabilities

925-776-4532 - Crisis Response Project

Adult Protective Services

1-866-225-5277 or 510-577-3500 - 24/7

Alzheimer's Help Line

1-800-272-3900

Safe Return: Medic Alert #1-800-607-2565 (Member ID #)

CIT: Mental Health Crisis Numbers

VALLEY

Livermore/Pleasanton/Dublin/
FOR LAW ENFORCEMENT ONLY

Valley Crisis Response Program

1-800-491-9099 ACCESS Referral #
925-560-5880 Valley Site: Clinical Consultation
Mon, Thurs, Fri
3730 Hopyard Road
Pleasanton

Livermore Crisis Response Program

1-800-491-9099 ACCESS Referral #
925-371-6874 Livermore: Clinical Consultation
Mon, Tues, Wed
1453 First Street
Livermore

John George Psychiatric Pavilion

510-346-1421 - PES Nurses Station Ask for Charge Nurse
2060 Fairmont Drive
San Leandro

Willow Rock - Ages 12-17

510-483-3030 press 1

Children's Hospital - Under Age 12

510-428-3240

Santa Rita Jail

925-551-6782
925-551-6905 - Mental Health Booking
(7 days/wk, Days and 3rd watch hours)

North County Jail - Glenn Dyer

510-268-7871

Cherry Hill Detox

510-346-7839

East Bay Regional Center - Developmental Disabilities

925-776-4532 - Crisis Response Project

Adult Protective Services

1-866-225-5277 or 510-577-3500 - 24/7

Alzheimer's Help Line

1-800-272-3900
Safe Return: Medic Alert #1-800-607-2565 (Member ID #)

OLDER ADULTS AND DEMENTIA INFORMATION

Stages of Alzheimer's Disease

Early Stage:

- Getting lost, even in familiar areas
- Repeated questions, pauses in speech and poor eye contact
- Taking longer than before to complete normal daily tasks
- Poor judgment in decision-making
- Losing things or misplacing them in odd places

Middle Stage:

- Speech problems
- True disorientation
- Issues with basic needs
- Driving impairment
- Wandering
- Being uncooperative, combative or violent

Late Stage:

- Inability to recognize self
- Inability to communicate
- Weight loss
- Seizures
- Skin infections
- Difficulty swallowing
- Groaning, moaning or grunting
- Increased sleeping
- Lack of control of bowel and bladder

Terms Related to Advocating:

Elder

Any person who is 65 years of age or older.

Power of Attorney

A written authorization to represent or act on another's behalf in private affairs, business, or some other legal matter.

Fiduciary

A legal or ethical relationship regarding the management of money or property between two or more parties. In a fiduciary relation one person, in a position of vulnerability, justifiably reposes confidence, good faith, reliance and trust in another whose aid, advice or protection is sought in some matter.

Conservatorship

When the court chooses you as the conservator of a person, this means you:

- Arrange for the conservatee's care and protection, decide where the conservatee will live,
- Are in charge of: health care, food, clothes, personal care, housekeeping, transportation, and recreation.

Warning Signs

Memory Loss
Difficulty performing familiar tasks
Misusing words
Confusion about time and place
Problems with judgment and reasoning
Difficulties with concepts
Misplacing objects
Personality Change
Mood Change
Loss of initiative

Helpful Numbers

Community Care Licensing for Alameda County
510-286-4201

Adult Protective Services Main Number
510-577-3500

Legal Assistance for Seniors (LAS)
510-832-3040

Alameda Co. Long Term Care Ombudsman Program
(Assisted Living Facilities)
510-638-6878

Alzheimer's Services of the East Bay
Support groups, Adult day care options
And much more.
Oakland office: 510-268-1410
Berkeley office: 510-644-8292

Alzheimer's Association
24 hour help line, medic alert, and other info
www.alz.org
1-800-272-3900

National Family Caregiver Association
<http://www.nfcacares.org/>

Caring.com
www.caring.com

Social Services for Older Adults

A referral for mental health services can be requested by calling the Support Service Specialists at the numbers below:

North County Self-Sufficiency Center
510-271-0539
2000 San Pablo Ave.
Oakland, CA 94612

Eastmont Self-Sufficiency Center
510-383-5315
6955 Foothill Blvd.
Oakland, CA 94605

South County Self-Sufficiency Center
510-670-6000
24100 Amador Ave.
Hayward, CA 94544

Fremont Resource Center
510-795-2428
39155 Liberty Street, Suite C330
Fremont, CA 94536

Livermore Office
925-455-0747
3311 Pacific Ave.
Livermore, CA 94550

Support Services for Older Adults

Adult Day Services Network of Alameda County
510-577-3543

County Meals on Wheels
510-577-3580

Elder and Dependent Adult Abuse
510-577-3500

In-Home Supportive Services - Intake Screeners
510-577-1800

Long Term Care - Qualified Medicare Benefits/Share of Cost
510-577-1900

Public Authority for IHSS
510-577-3552

Senior Information/Assistance
510-577-3530

Senior Injury Prevention Program
510-577-3535

Senior Services Coalition
510-577-3544

Alzheimer's related medication

Razadyne (Galantamine)
Exelon (Rivastigmine)
Aricept (Donepezil)
Namenda (Memantine)

Wandering

At risk? Questions for the Reporting Party.

Does the person...

- Come back from a regular walk or drive later than usual?
- Try to fulfill former obligations, such as going to work?
- Try or want to "go home" even when at home?
- Pace or make repetitive movements, are they restless?
- Have a hard time locating familiar places like the bathroom, bedroom or dining room?
- Act as if doing a hobby or chore, but nothing gets done? (move around pots and dirt without actually planting anything)
- Act nervous or anxious in crowded areas, such as shopping malls or restaurants?

Investigative Questions

- Description / obtain a recent photo
- Describe current symptoms
- Are they a part of any registry system?
 - √ MedicAlert
 - √ Safe Return
 - √ GPS
- Daily routine? / weekly activities?
- Favorite place?
- Medications? When are they due for more?
- Have they wandered before?
 - √ If so where did they go?
- Do they have a fear of crowds? Strangers?
- Is there something I can use to comfort them, establish trust if we found them? Photo?
- Other health problems?
- Can they communicate verbally?
- Do they understand where they are? Time of day, day of year?
- Do they know their address and phone number?
- Do they have any money? Access to money?
- What "point in time" are they in?
 - √ Other homes?
 - √ Places of work?

- Modes of transportation?
 - √ On foot? Bus? Know how to use public transportation? Car?
- Fear or aggression towards law enforcement?
- Have they been combative towards you? Others?
- Military Experience?
 - √ Are they experiencing that "point in time"
 - √ Access to weapons?

Wandering Reminders

- Their reality is not your reality
- Will not follow a logical route
- Will continue in straight line until they encounter a barrier
- Won't go over...will go under; assess barriers
- Will often become secluded in a natural area
- Will not call for help
- Will not respond to rescuers calling their name
- May attempt to hide from rescuers
- Consider implications of broadcasting picture and or specific house/location... potential future victim

Interaction Tips for Someone with Alzheimer's disease:

Do's

- Keep in mind the 3 goals: Cool, Calm & Quiet
- Introduce yourself as an officer & explain you are there to help
- Use a friendly facial expression
- Keep it simple - easy ?'s asked with patience
- Make a visual check for:
 - √ Medical necklace
 - √ Bracelet
 - √ Ankle bracelet
 - √ Tracking device
 - √ Project Lifesaver or Medic Alert + Safe Return
- Walk with them & talk with them to decrease agitation
- Use a low voice, calmly & slowly
 - √ Dial it down even more if the person becomes agitated or combative...May diffuse the situation
- Face directly & make eye contact
 - √ If approaching from behind, announce yourself
- Always tell the person what you will be doing & explain it again while you are doing it
- Use gestures to direct the person
- Provide security & comfort: a blanket, drink of water or a seat

Don'ts

- Don't take comments personally
- Don't correct the person
- Don't approach from behind without warning
- Don't touch without asking / explaining
- Don't repeat a question too many times as it may provoke agitation - come back to it
- Change the topic to something pleasant if the person becomes agitated. This may help elicit answers if you are trying to return a lost person
 - √ Ask about a favorite place to go
 - √ A favorite restaurant
 - √ Hobby

HOMELESS POPULATION

Mobile Psychiatric Crisis Services

City of Berkeley - Mobile Crisis and Homeless Outreach Services

510-981-5244 - Monday-Friday, 8-4

510-981-5900 - Mobile Psychiatric Crisis Dispatch After Hours: Monday-Friday, 4pm-10pm; Saturday, Sunday and Holidays, 11am-10pm (through Berkeley Police Department)

Mobile crisis team provides immediate response to homeless mental health emergencies on the street in Berkeley and Albany. Operates daily, 10:30am-11pm

Berkeley

Alameda County Behavioral Health Care Services - Mobile Crisis Program (Oakland)

800-491-9099 - Monday-Friday, 8:30-5 (Direct services)

Mobile mental health crisis intervention, assessment and evaluation in Oakland. Operates Monday-Friday, 10am-8pm. Also makes referrals and provides follow-up

Oakland

Mobile Outreach

Abode Services - HOPE Mobile Health Clinic

510-366-3633 - Monday-Friday, 9-5

Mobile outreach program distributes hygiene kits, blankets, clothing and food to homeless people in South, East and Mid-County. Provides resource information, case management, health services, Call for schedule

Mobile Outreach - Call for Location- Serves Fremont, Hayward, Livermore

Bonita House, Inc. - Homeless Outreach and Stabilization Team (HOST)

510-809-1780 - Monday-Friday, 8:30-5

Provides field-based support and information, psychiatric support and case management services to homeless mentally ill individuals. Apply by phone

*Mobile Outreach - Call for Location
Oakland*

Covenant House California (CHC) - Van Outreach Program

510-379-1010 - 24 hours daily

Van outreach program provides youth and young adults age 18-24 with lunches, shelter referrals, and immediate crisis assistance. Call for information

*Mobile Outreach - Call for Location
Oakland*

Operation Dignity, Inc. - Homeless Mobile Outreach

510-287-8465 - Monday-Friday, 9-5

Mobile outreach program distributes hygiene kits, blankets, clothing and food to homeless encampments in Oakland. Provides resource information. Call for schedule

*Mobile Outreach - Call for Location
Oakland*

Bay Area Rescue Mission - Mobile Outreach

510-215-4868 - Monday-Friday, 9-5

Visits homeless encampments throughout Bay Area several times a month. Distributes Bibles, food packs, water, hygiene kits and clothing. Call for information

*Mobile Outreach - Call for Location
Alameda County; Greater Bay Area*

Health Clinics

Berkeley Community Health Project - Berkeley Free Clinic 510-548-2570

Monday, Wednesday, Friday, 3-9; Tuesday, Thursday, 5:30-9;
Saturday, 11:30-9; Sunday, 4-7

Free medical care provided on same-evening basis. If homeless, call
Monday-Friday at 5:30pm to schedule same-evening appointment.
All others call at 5:45

2339 Durant Avenue
Berkeley

University of California, Berkeley - Suitcase Clinic - Youth 510-423-3303

Recorded information and voicemail
Free weekly drop-in health clinic for youth age 25 and under. Held
Mondays, 6pm-9pm; free dinner is served at 7:30pm

2300 Bancroft Way
Berkeley

University of California, Berkeley - Suitcase Clinic - Women 510-423-3659

Recording and voicemail system
Free weekly drop-in health clinic for women and children. Call 2
hours in advance for service information. Clinic held Mondays,
7:30pm-9pm. Intakes begin at 7pm

2140 Dwight Way
Berkeley

University of California, Berkeley - Suitcase Clinic - General 510-269-7242

Recorded information for upcoming Tuesday's clinic; can leave
message
Free weekly health care, haircutting, foot care and social services
for low-income and homeless individuals. Walk-in only on Tues-
day; arrive between 6 and 6:30pm to begin intake

2407 Dana Street
Berkeley

Abode Services - HOPE Mobile Health Clinic 510-366-3633 - Monday-Friday, 9-5

Mobile outreach program provides health and mental health ser-
vices. Also provides resource information, case management, and
housing resources, Call for schedule

Mobile Outreach - Call for Location- Serves Fremont,
Hayward, Livermore

Tri-City Health Center (TCHC) - LGBT Services 510-790-2887

Monday, Thursday, Friday, 8:30-5; Tuesday, 11-7:30; Wednesday,
9:30-6

Free health clinic sensitive to LGBT health care; all however are
welcomed. Call for appointment

39184 State Street
Fremont

Youth Uprising - Youth Uprising Health Clinic 510-777-9909

Monday-Friday, 8-7
Free medical and mental health services for youth age 13-24

8711 MacArthur Blvd
Oakland

CityTeam Ministries - Medical Clinic 510-452-3758

Thursday, 10-3
Outpatient medical clinic serves low-income patients for free.
Services are available on a walk-in basis, Thursdays, 10-3

722 Washington Street
Oakland

Order of Malta Oakland Free Medical Clinic - Oakland Clinic

510-587-3000
Monday and Wednesday, 8:30-4 (closed 12-1); Friday, 8:30-12
Free health clinic for uninsured adults and children. Call to schedule
appointment

2121 Harrison Street, Suite 120
Oakland

Davis Street Family Resource Center - DSFRC - Rotacare Free Medical Clinic - Health Services for Uninsured

510-347-4620, EXT 158
Monday-Friday, 9-6

Free medical clinic for uninsured adults, children and seniors in
Ashland, Castro Valley, San Leandro and San Lorenzo. (1)
Primary Care: Monday, Wednesday, Friday, 8:30-12; sign-up
begins at 8am; (2) Acute Care for Adults: Monday, 4-8pm; sign up
begins at 8am; (3) Acute Care for Children: Tuesday, 4-8pm; sign
up begins at 8am

3081 Teagarden Street
San Leandro

Ashland Free Medical Clinic - Adult Clinic

510-407-2362

Free non-emergency medical care for low income adults who have no insurance. Clinic is open Saturdays, 8-11:30am. Most services by appointment. A limited number of drop-in patients can be seen on a first-come basis. Serves primarily Ashland, Cherryland, San Leandro, San Lorenzo.

50 E. Lewelling Blvd. (Room S5 on Ashland Avenue)

San Lorenzo

Ashland Free Medical Clinic - Childrens (Pediatric) Clinic

510-407-2362

Wednesday, 6pm-7:30pm

Free walk-in pediatric health clinic for uninsured children age 2 months to 11 years. Open Wednesdays, 6pm-7:30pm. Includes well child and urgent care. Immunizations for children and youth up to age 18

50 E. Lewelling Blvd. (Room S5 on Ashland Avenue)

San Lorenzo

Shelters

Alameda Family Services - DreamCatcher Youth Shelter

800-379-1114 - 24 hours daily

24-hour shelter for homeless and runaway youth age 13-17 (or 18 if in school). Co-ed and confidential. Cannot accept pregnant teens beyond the six month period. Apply by phone

2325 Clement Avenue

Alameda

Building Futures with Women and Children - Midway Shelter

866-292-9688 - 24 hours daily

24-hour shelter for homeless women and women with children (boys must be age 10 or under). Call 24-hour crisis line for availability

Alameda

Berkeley Food and Housing Project - Men's Overnight Shelter

866-960-2132 - Monday - Sunday from noon until beds are filled and @ 7pm until beds are filled

1931 Center Street

Berkeley

Berkeley Food and Housing Project - Women's Overnight Shelter

866-960-2132 - Monday - Sunday from noon until beds are filled and @ 7pm until beds are filled

2140 Dwight Way

Berkeley

Building Opportunities for Self-Sufficiency (BOSS) - Ursula Sherman Village (formerly Harrison House)

Reservations:

510-684-4021 - Monday - Friday from noon until beds are filled

866-960-2132 - Monday - Sunday @ 7pm until beds are filled

Shelter for homeless individuals and families. Families: income or willingness to apply for benefits; singles: no income required

711 Harrison Street (at 4th)

Berkeley

Fred Finch Youth Center - Turning Point Program

510-601-8966 - 24 hours daily

Assists homeless youth age 18-25 in obtaining and maintaining permanent housing. Apply by phone to request application and schedule interview

3404 King Street

Berkeley

WDDC - Women's Daytime Drop-In Center - Winter Motel Vouchers - December thru February

510-548-2884 - Monday and Wednesday-Friday, 9-12, 1-4; Tuesday, 1-4; Closed the first Friday of every month
Offers winter motel vouchers only to families with children in Berkeley with children under 18 from December through February, when there is a lack of shelter availability. Apply by phone or walk in to Center

*2218 Acton Street
Berkeley*

YEAH! - Youth Engagement Advocacy Housing - Seasonal Emergency Shelter for 18 to 25 year olds- Open Late November thru May

510-704-9867 - 8pm-8am, daily, pets allowed
Call to check for availability

*1744 University Avenue
Berkeley*

Abode Services - Sunrise Village

510-252-0910 - Monday-Friday, 9-5
Provides shelter and support services for homeless individuals and families who have a connection to Fremont, Hayward, Newark or Union City. Apply by phone; call daily to check availability

*588 Brown Road
Fremont*

Emergency Shelter Program, Inc.

888-339-7233 (SAFE) or 510-786-1246 - 24 hours daily
Short-term shelter for women and their minor children who are homeless for any reason including battering and domestic violence, financial crisis, eviction, family problems and loss of employment.
Call 24-hour emergency shelter and crisis line for information

Hayward

Family Emergency Shelter Coalition (FESCO)

510-581-3223 - 24 hours daily
Emergency shelter for homeless and low-income families. Apply by phone for screening and information on space availability. Phone operates 24 hours daily

*21455 Birch Street, #5
Hayward*

Livermore Homeless Refuge - November thru April

925-292-0265 - Monday-Friday by 9am for Open/Closed status
925-525-1200 - 7 days a week 6pm-7am

Overnight shelter/refuge for single homeless men and women in Livermore when temperature is below 40 degrees or when forecast is 20% rain. Site rotates between five churches. Operates November 1 through April 30, 7 days a week, 6pm-7am. Call by phone for open/closed status and site information

Livermore

Livermore Police Department - LPD - Motel Voucher (Livermore Residents Only)

925-371-4987 - 24-hours daily

Offers motel voucher for emergency situations to Livermore residents that have valid ID with Livermore address. Must not have a police record. Must walk in between 5pm-9am and request Watch Commander on duty to determine qualification and availability

*1110 S Livermore Avenue
Livermore*

Tri-Valley Haven - Sojourner House - Homeless Services

925-449-2510 - 24 hours daily

Shelter for homeless families, couples, women with children, men with children, and single women (if space is available). Apply by phone at 24-hour number

*3663 Pacific Avenue
Livermore*

Ariel Outreach Mission

888-273-2484 (FAITH) or 510-978-5844 - Daily, 8am-5pm; Housing, 7am-9pm

Provides temporary housing to clean and sober females without or with children age 3 and over. Free only on Friday, Saturday and Sunday. Following this, payment or collateral required. Must call first; no drop-ins

Oakland

CityTeam Ministries - Rescue Mission-Men's Shelter

510-452-3758 - Monday-Friday, 9-5

Emergency shelter for low-income homeless men, age 18 or over. Includes showers, clothing, hot breakfast and dinner. Bed fees begin at \$5 for basic bed/shelter. To apply, sign up in person or by phone daily at 12 noon; beds available at 5pm

*722 Washington Street
Oakland*

East Oakland Community Project - EOC - Crossroads

Emergency Shelter

510-532-3211 - 24 hours daily

510-587-3400 - Monday-Friday, 8-4 Homeless Veterans

Emergency shelter for individuals and families, including persons living with HIV/AIDS, Veterans and behavioral health. Call 24-hour number by phone for space availability. Includes continuum of care services

Priority given to persons released from hospitals, it is on a case by case basis

7515 International Blvd

Oakland CA 94621

Salvation Army - Garden Street Center Oakland - Emergency Shelter for Families

510-437-9437 - Monday-Friday, 9-4 for shelter inquiries/intake; staffed 24 hours for other purposes

Provides emergency shelter for families with children, 28 days to 6 months. Must call between 9am-11am for initial screening, to schedule appointment or to be put on waiting list if applicable.

2794 Garden Street

Oakland

St. Mary's Center - Winter Shelter for Homeless Seniors - December thru April

510-923-9600 - Monday-Friday, 9-12, 1-5

Winter Shelter for homeless seniors over age 55. Open from December to April. Apply by phone or in person, Monday-Friday, 9-12 or 1-5

925 Brockhurst Street

Oakland

Second Chance, Inc. - Emergency Shelter

510-792-4357 - Monday-Friday, 10-6; 24 hour Hotline

Emergency shelter offers 30 beds for single adults and families. Serves anyone who self-identifies as having no appropriate place to live. Apply by phone

Newark

Building Futures with Women and Children - San Leandro Shelter

866-292-9688 (A-Way-Out) - 24 hours daily

24-hour shelter for homeless women and women with children (boys must be age 10 or under). Call 24-hour crisis line for availability

San Leandro

Bay Area Rescue Mission - Family Center, Women's Shelter

510-215-4860 - Monday-Saturday, 7am-7pm

Free 24-hour emergency shelter for single women age 18 and over and women with children. Apply by phone Monday-Saturday, 9am-5pm; Sunday 2:30pm-5pm. Walk-ins available on a first-come, first-served basis

224 MacDonald Avenue

Richmond

Bay Area Rescue Mission - Men's Center: Emergency Shelter; Recovery Program; Transitional Housing

510-215-4868 - Monday-Saturday, 7am-7pm; Before 6pm for availability

Free emergency shelter for homeless men from 7pm-7am. To apply, must come to shelter by 6pm; intakes at 6:15-6:30pm. Services offered on a first-come, first-served basis

200 MacDonald Avenue

Richmond

Drop-in Centers

Berkeley Drop-in Center

510-652-5891 - Monday-Thursday 9-4 pm, Friday 9-2 pm

Respite counseling and group sessions.

2362 Bancroft Way

Berkeley

Berkeley Food and Housing Project - Multi-Service Center

510-649-4965, EXT 520 - Drop-in hours Monday-Friday, 10am-11am

2362 Bancroft Way

Berkeley

Women's Daytime Drop-In Center (WDDC)

510-548-2884

Drop-in center for homeless women and children. Serves Berkeley and Oakland. Intakes Monday, 9-11am and 1-2:30pm; Tuesday, 1-2:30; and Wednesday through Friday, 9-11am and 1-2:30 pm. Closed the first Friday of each month. Breakfast Monday-Friday, 8-9am and Lunch Monday-Friday, 12-1pm

2218 Acton Street

Berkeley

A Friendly Place

510-451-8923 - Monday-Friday, 8:30-2:30pm - Call for information
Drop-in center for homeless women in Oakland. Offers laundry facilities, showers, use of telephone, and mailing address

2298 San Pablo Avenue

Oakland

Society of St. Vincent de Paul of Alameda County - SVdP -

Visitation Center for Women and Children

510-444-3790 - Tuesday-Saturday, 9:30-1

Daytime drop-in center for homeless and low-income women and women with children. Open Tuesday through Saturday; Saturday is for families only

2260 San Pablo Avenue

Oakland

Society of St. Vincent de Paul of Alameda County - SVdP -

Champion Guidance Center (Men's Center)

510-877-9218 - Monday-Friday, 9:30-3

Provides homeless men in West Oakland with shower and laundry facilities, clothing (depending on availability), referrals, drug and rehabilitation counseling, and other social services. Aims to help clients gain job experience

675 - 23rd Street

Oakland

Anka Behavioral Health, Inc. - Henry Robinson Multi-Service Center (MSC) - Drop-in Center

510-419-1010 - Monday-Friday, 9:30-3

Drop-in program for single homeless adults includes use of telephone, mail service and limited showers and laundry. Also provides shelter referral, job referral, major medical referral to local hospitals, counseling, substance abuse services and case management

559 - 16th Street

Oakland

Alameda Family Services - DreamCatcher Youth Support Center

800-379-1114 - 24 hours daily

Walk-in support center for homeless, runaway and at-risk youth age 13-19. Open Monday-Thursday, 2-7; Friday, 2-5

422 Jefferson Street

Oakland

Food - Meals/Hot Meals

Berkeley Food and Housing Project - Quarter Meal Program

510-649-4965, EXT 525

Monday-Friday, 9-5

Free hot evening meal, Monday-Wednesday, 4pm. Take-out brown bag meal, Thursday-Friday, 3pm

2362 Bancroft Way

Berkeley

Dorothy Day House - Trinity Breakfast

Monday-Saturday 8am

2362 Bancroft Way - Trinity Church

Berkeley

East Bay Food Not Bombs - Free Hot Vegetarian Meals

510-644-4187 - 24-hour message machine

Provides free vegetarian meals: Monday-Friday, 3pm, People's Park near Telegraph and Dwight/Haste, Berkeley; Sunday, 3:15pm in front of Sutter Hotel, 14th and Jefferson, downtown Oakland

3124 Shattuck Avenue

Berkeley

McGee Avenue Baptist Church - Lunch Program

510-843-1770

Hot meal every Monday, Wednesday and Friday, 12-1, for homeless persons or anyone in need

1640 Stuart Street

Berkeley

South Berkeley Community Church - Hunger Project

510-652-1040

Hot lunches for homeless and low-income people every Thursday, 12-1. Also drug counseling and social service referrals

1802 Fairview Street

Berkeley

Open Heart Kitchen - Hot Meal Program

925-580-1616

24 hours daily

Offers hot meals to anyone who is hungry: Monday, 4-6pm, CrossWinds Church, 6444 Sierra Ct, Dublin; Tuesday and Wednesday, 12noon-6pm, Asbury Methodist Church, 4743 East Ave, Livermore; Thursday, 4-6pm, Vineyard Christian Fellowship, 460 North Livermore Ave, Livermore; Friday, 4-6pm, Trinity Lutheran Church, 1225 Hopyard Rd, Pleasanton

Dublin, Pleasanton, Livermore CA

Centerville Presbyterian Church - Free Dining Room

510-793-9063

Hot meal every Tuesday and Thursday, 4-6pm; walk in. Serves Fremont, Newark, Union City areas but will feed any hungry person. Mobile medical and mental health services on site Tuesday and Thursday

4360 Central Avenue

Fremont

Tri-City Free Breakfast Program

510-657-3133 - 8-12 (Office)

Free breakfast served on Monday, Wednesday and Friday, 7-9am. Medical van on site Wednesday and Friday, 8-9:30am. Serves Fremont, South Hayward, Newark and Union City

4181 Irvington Avenue

Fremont

Tri-City Volunteers, Inc. - Homeless Lunch Program

510-793-4583

Distributes lunch to homeless individuals of Fremont, Newark and Union City. Walk up to homeless lunch window Monday-Friday, 8:30-12, 1-4. No documentation necessary; only signature

37350 Joseph Street

Fremont

CityTeam Ministries - Rescue Mission-Meals and Clothing

510-452-3758

Monday-Friday, 9-5

Breakfast and coffee, 6am everyday except Wednesday. Hot dinner, 7pm everyday except Wednesday; followed by optional church service. Shower for men, Monday-Friday, 5pm-7pm. Clothing distribution, Thursday, 2-5pm

722 Washington Street

Oakland

Open Door Mission

510-451-7924

Hot breakfast served Sunday-Friday, 7am. Hot dinner served Monday-Friday, 6:25pm and Sunday, 3pm

92 - 7th Street

Oakland

St. Vincent de Paul - Free Dining Room

510-451-7676

Monday-Sunday, 10:45-12:30

Free hot meals 7 days a week, 10:45am-12:45pm. Closed first
Wednesday of each month

675 - 23rd Street

Oakland

Word Assembly Baptist Church - Love in Action Program

510-529-9754

Monday-Friday, 8-4

Breakfast for homeless individuals Monday-Saturday, 8am-10am.

After breakfast, offers clothing and telephone access

9507 MacArthur Blvd

Oakland

Food Pantries

Alameda Food Bank - Client Food Selection (CFS)

510-523-5850

Distributes non-perishable food from warehouse site at Alameda
Point, first Saturday of each month, 10am-12:30pm. Walk in for
eligibility interview; verification of residence in City of Alameda

650 W Ranger Avenue

Alameda

Alameda Food Bank - Pantry Program

510-523-5850

Distributes free food Monday, Wednesday, Friday, 1-4; Tuesday,
4:30-6:30; and 2nd, 3rd and 4th Saturday, 11-1; closed on holidays.

Eligibility interview includes income qualification and proof of
residency in City of Alameda

1900 Thau Way

Alameda

**Hope for The Heart - Food Distribution (Individuals and
Families)**

510-581-4673

Distributes food on the 3rd Saturday of the month; line forms as early
at 6am; early arrival highly recommended. Also distributes diapers
and feminine products

22035 Meekland Avenue

Hayward

Alameda County Community Food Bank - Food Helpline

800-870-3663 - Monday-Friday, 9-4

Toll-free emergency Food Helpline provides referral to free meal
programs, soup kitchens and food pantry sites.

7900 Edgewater Drive

Oakland

**Lake Merritt United Methodist Church - Food Pantry &
Thanksgiving Meal**

510-465-4793

Distributes food on 2nd and 4th Saturday of the month, 12noon-1pm.
Food distribution is on the Lakeshore side of the church building,
at the bottom of stairs

1330 Lakeshore Avenue

Oakland

Tri-Cities Community Development Center - Dollie's Closet
510 505-1732

Distributes food Wednesday, 4-8 and Saturday, 10-2. Serves Fremont, Newark and Union City
37620 Filbert Street
Newark

Food Pantry at The Neighborhood Center
510-569-7020

Distributes food the first Saturday of the month, 1pm-3pm. Clients must bring proof of Alameda County residence and own grocery bag. Serves Castro Valley, Hayward, San Leandro and San Lorenzo
911 Dowling Blvd
San Leandro

Veteran Services

Department of Veterans Affairs (VA) - National Call Center for Homeless Veterans

877-424-3838 - 24 hours daily

24-hour national call center to assist veterans who are homeless or at risk for homelessness. Screens then connects homeless veterans with homeless point of contact at nearest VA facility

Department of Veterans Affairs (VA) - Homeless Veteran Outreach

510-637-6421 - Monday-Friday, 8-4:30

Follows up on benefit claims of homeless veterans to ensure they are expedited. Schedules visits at VA clinics and homeless shelters to assist veterans in filing claims. Call for information

1301 Clay Street, 12th floor

Oakland CA 94612

Operation Dignity, Inc. - Alameda County Supportive Services for Veteran Families (SSVF)

510-844-0781 - Monday-Friday, 8-4

510-350-3682 - Monday-Friday, 9-5

Free assistance to homeless veteran families in accessing housing resources, veteran benefits and services. Veteran family member must have served and been discharged from service under conditions other than dishonorable. Call for appointment

160 Franklin Street, Suite 103

Oakland CA 94607

Department of Veterans Affairs (VA) - Oakland Behavioral Health (OBH) Clinic; VASH

510-587-3400 - Monday-Friday, 8-4:30

510-453-8478 - Monday-Friday, 8-4:30

Provides a full range of mental health and substance abuse evaluation and treatment services.

Outpatient alcohol and drug rehabilitation and methadone maintenance counseling for veterans

525 - 21st Street

Oakland CA 94612

East Oakland Community Project - EOCP - Crossroads Emergency Shelter

510-587-3400 - Monday-Friday, 8-4

Emergency shelter for individuals and families.

7515 International Blvd

Oakland CA 94621

Danger to Self: Suicide Assessment

History:

- Know someone who has committed suicide?
- Previous suicide attempts? How many? Method?
- Plan? How? When? Why?

Suicidal Action:

- How serious was the attempt?
- True suicide attempt or suicidal gesture?
- Cutting to release pain vs. cutting with intent to cause death?

Person says they are no longer suicidal:

- Do they regret attempt?
- Do they still feel like harming self?
- What has changed?

Desire to harm self continues...

- Do they have the means to carry out the plan?
- Support system?
- Continue to express ideation that they still want to harm self.

Other considerations:

- Homicidal Ideation
- Suicide by Cop

Direct and Indirect Verbal Clues

- Use Quotes when documenting

Behaviors:

- Withdrawal
- Relapse into drug or alcohol use
- Increase in drug or alcohol use
- Changes in eating or sleeping habits
- Anger or rage
- Feeling of being trapped

Communication:

- De-escalate the situation
- Direct
- Simple
- Brief
- LISTEN
- Gather intel
- Remain Objective

Risk Factors:

- Are they in crisis?
- Where is the incident taking place?
- Drugs or alcohol a factor?
- Malingering?

More Factors:

- Anniversary of traumatic event?
- Recent Traumatic Event?
- End of relationship? Rejection?
- Isolation?
- Holidays?
- Terminal Illness?
- Loss of Financial security?
- Anticipated loss of freedom?
- Mental Health History - Records Check
- Post Partum? Psychosis or depression?
- Unwanted move?

Danger to Others: Assessment

Current Circumstances:

- Did the person harm someone?
- Serious threat?

Specific Person Targeted:

- Continued contact?
- TRO?
- Identified by name? Description?
- Called and made threats? In person?

History:

- History of violent behavior? Examples?
- Historically has violence been carried out?
- Can the circumstances be eliminated or controlled?

Denial of behavior:

- Acknowledge the violence or behaviors? Regret?
- Harming someone else instead?
- What has changed? Do they have insight?
- Notes:

Mental Status

Appearance:

Dress and grooming. Not just is the person clean and dressed, is it “normal”? For the weather, hair? Outfit?

Orientation:

Person, Place, Purpose

Behavior:

How do they respond to you? Cooperative or Hostile? When you ask simple questions, do they respond appropriately? Do they make eye contact? Can they follow simple directions?

Insight & Judgment / Fund

Do they understand why you are there? Do they keep an appropriate distance from you? Can they control their behaviors? Impulsive?

Motor Activity:

Too much? Not enough? Seem sedated? Seem drunk?

Speech:

This is the best clue to a persons thought process and mood. Too fast? Slow? Loud? Soft?

Thought Flow:

Can they stay with you? Their thoughts flow logically? Can they naturally shift between topics?

Thought Content:

What’s on their mind? Bizarre? Angry? No thoughts to express? Can they answer simple questions?

Concentration:

Stay on topic? Task? Ask them to count.

Memory:

Short Term vs. Long Term: Last meal? Last took meds? Where were you born?

Affect:

What does the person look like? Tearful? Excited? Angry?

Mood:

Mood is what the person says they are feeling when asked. Do they say happy, but present as angry? Switch from mood to mood quickly?

Hallucinations:

Hearing voices? What are they saying? Seeing things? What are they seeing?

Delusions:

Beliefs that are false. Rigid and not able to be reasoned away.

Grave Disability

Francesca Tenenbaum
Mental Health Association
510-835-2505

Inability to provide food clothing and shelter due to a mental illness

Passive, Unintentional Harm to Self

Symptoms of the mental illness cause the person to neglect basic survival needs

To be considered gravely disabled, the person must be unable or unwilling to take advantage of personal needs such as food, clothing, and shelter given those needs are provide to him/her by a caretaker. Mere inability to provide for needs is insufficient to qualify for grave disability. Also, evaluation of grave disability is based on present situation regardless of past history of similar behavior. Furthermore, if the person in question has access to family, friends, or other support systems to survive safely without involuntary detention, then the person is not deemed "gravely disabled". Only when the family, friends, or other support systems (if accessible) indicate in writing that they are not willing or able to assume responsibility of person in question, then involuntary detention may be required for the grave disability.

Documentation for Grave Disability would include:

- Signs of malnourishment or dehydration.
- Unwilling to clothe self when clothes is provided and engages in public nudity or inadvertent exhibitions: wears filthy or grossly torn clothing unsuitable to the climate to the extent that it may jeopardize health: repeatedly destroys clothing (note: a person's predilection for unconventional dress, whether due to cultural or personal preference, does not by itself indicate and inability to provide clothing).
- Unable to utilize shelter when shelter is provided and leads a nomadic existence; frequently sleeps on sidewalks, doorways or other public area; is unable to locate housing and make appropriate arrangements or accept assistance by others to do so; is unable to manage own household in such a way as to avoid clear dangers to health; has no realistic plans for obtaining suitable shelter.

- Unwillingness to eat when food is provided and has irrational beliefs about food that is available (such as believing the food is inedible or poisoned). The person can not distinguish between food and non food; eats food not fit for human consumption; endangers his or her health by gross negligence in diet and nutrition; is dehydrated or malnourished; has no food or spoiled food in the house; demonstrates excessive and constant food preferences or aversion which endanger health (except for genuine religious reasons); state intentions not to eat or does not eat.
- Inability to engage in personal hygiene when appropriate facilities are provided.
- Behavior or Mental Illness Causes Neglect to Point of Endangering Health
 - o Extreme Lack of Sleep
 - o Poor Hygiene = Health Hazard
 - o Symptoms Cause Neglect of Nutrition
 - √ Signs of Malnutrition/Unhealthy Weight Loss
 - √ Nothing Edible in House
 - √ Expressing Paranoia about Food

Grave Disability is NOT:

- Bizarre Behavior,
- Dieting for health reasons,
- Choosing not to take medication,
- Refusing recommended medical treatment,
- Poor food choices with Diabetes,
- Heart Disease,
- Declining treatment for terminal illness

Homelessness may or may not constitute evidence of Grave Disability

The Homeless Lifestyle Choice – During the evaluation process inquire about the following:

- Can the individual describe a self-care plan that is feasible?
- Do they have a safe place to sleep?
- Do they know how to use community services to get food, shelter, medical care, hygiene?
- Can they regularly locate safe food?

First Aid and Decontamination Material Sheets.pdf



OC PEPPER SPRAY



MODEL: 56825 SKU: 1030655

FIRST DEFENSE® 1.3% MK-2 STREAM OC AEROSOL

The MK-2 is an ideal size for patrol officers to wear on a duty belt and will deliver 7-10 short bursts of OC at an effective range of 10-12 ft. This 1.3% MK-2 OC aerosol product utilizes a stream delivery



Non-flammable / Electronic Discharge Weapon (EDW) safe

FIND A DEALER

FEATURES

FIRST AID & DECONTAMINATION

STORAGE & DISPOSAL

MODEL 733000

FIRST AID FOR OC

I. GENERAL:

Remove affected person from the contaminated area to an open space, facing the wind.

Keep subject calm and restrict activity.

Most subjects will be well on their way to total recovery 45 minutes after first aid begins.

II. EYES: Intense burning sensation, temporary inflammation of the tissues around the eyes, causing involuntary closure.

Wash eyes out with large amounts of cool water.

DO NOT allow the subject to rub their eyes or face. If the need arises to use a paper towel, use a blotting motion and discard after one use.

Find out if subject is wearing contact lenses. If so, allow them to remove the lenses or call EMS to remove them. DO NOT attempt to remove unless medically trained to do so. Contacts may become contaminated and may need to be discarded.

Keep eyes open facing wind.

Tearing helps clear the eyes.

Keep exposed subjects out of direct sun light during the decontamination process. The brighter and hotter the direct sunlight is, the more it enhances the burning sensation.

III. NOSE: Irritation, burning sensation, nasal discharge.

Breathe normally.



individuals.

DO NOT apply creams, salves, oils, lotions or burn cream as they will only trap the OC on the skin.

Flush the skin with large amounts of cool water and expose the subject to fresh air.

Further relief may be gained by showering with cool water using mild soap and shampooing hair.

Wash thoroughly, rinsing often to manage any contaminated water on your body.

Contact Defense Technology® with any questions regarding these procedures

AREA DECONTAMINATION FOR OC

STEP 1: Ventilate the building to remove airborne OC. Open all doors and windows that weather permits. This should be accomplished as soon as possible. If fans can be placed to increase ventilation, this will help.

STEP 2: Surfaces can be decontaminated by washing with water or a damp cloth. Wet clean where possible, using commercially available detergents like Dawn or Simple Green.

STEP 3: Clothing and other fabrics can be cleaned in their usual manner (either by machine washing or dry cleaning).

NOTE: Rubber gloves and a gauze face mask should be used by personnel during the clean-up stage to prevent the possibility of residual contamination. OC is a better indoor deployment option than CN or CS, as positive clean up and re-occupation of the structure can usually take place within one to two hours. Minimal clean-up costs need be imposed on the deploying agency.

RESOURCES

SDS

Product Warranty

Sell Sheet

Technical Specifications

Safety Data Sheet

acc. to OSHA HCS (29CFR 1910.1200) and WHMIS 2015 Regulations

Printing date: December 11, 2018

Revision: December 11, 2018

1 Identification

· Product identifier

- Trade name: First Defense® .2 Percent MK-2 Stream OC Aerosol
First Defense® .2 Percent MK-3 Stream OC Aerosol
First Defense® .2 Percent MK-4 Stream OC Aerosol
First Defense® .2 Percent MK-6 Stream OC Aerosol
First Defense® .2 Percent MK-9 Stream OC Aerosol

· Product code:

MK-2: 56125 (1030651)
MK-3: 5039 (1011715)
MK-4: 5049 (1011719)
MK-6: 5069 (1011722)
MK-9: 5099 (1011726)

· Recommended use and restriction on use

- Recommended use: Crowd Control Device
- Restrictions on use: Contact manufacturer/supplier

· Details of the supplier of the Safety Data Sheet

· Manufacturer/Supplier:

Safariland, LLC
13386 International Parkway
Jacksonville, FL 32218 USA
Customer Care (800) 347-1200



· Emergency telephone number:

ChemTel Inc.
(800)255-3924 (North America)
+1 (813)248-0585 (International)

2 Hazard(s) identification

· Classification of the substance or mixture

Press. Gas H280 Contains gas under pressure; may explode if heated.
Skin Irrit. 2 H315 Causes skin irritation.
Eye Irrit. 2A H319 Causes serious eye irritation.
STOT SE 3 H335 May cause respiratory irritation.

· Additional information:

There are no other hazards not otherwise classified that have been identified.
0 % of the mixture consists of component(s) of unknown toxicity.

· Label elements

· GHS label elements

The product is classified and labeled according to the Globally Harmonized System (GHS).

· Hazard pictograms:



GHS04 GHS07

· Signal word: Warning

(Cont'd. on page 2)

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(Cont'd. of page 1)






Hazard statements:

H280 Contains gas under pressure; may explode if heated.
 H315 Causes skin irritation.
 H319 Causes serious eye irritation.
 H335 May cause respiratory irritation.

Precautionary statements:

P264 Wash thoroughly after handling.
 P271 Use only outdoors or in a well-ventilated area.
 P302+P352 If on skin: Wash with plenty of water.
 P304+P340 IF INHALED: Remove person to fresh air and keep comfortable for breathing.
 P305+P351+P338 IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
 P312 Call a poison center/doctor if you feel unwell.
 P332+P313 If skin irritation occurs: Get medical advice/attention.
 P362+P364 Take off contaminated clothing and wash it before reuse.
 P337+P313 If eye irritation persists: Get medical advice/attention.
 P403+P233 Store in a well-ventilated place. Keep container tightly closed.
 P405 Store locked up.
 P410+P403 Protect from sunlight. Store in a well-ventilated place.
 P501 Dispose of contents/container in accordance with local/regional/national/international regulations.

3 Composition/information on ingredients**Chemical characterization: Mixtures****Components:**

64-17-5	Ethanol  Flam. Liq. 2, H225  Eye Irrit. 2A, H319	20-40%
8023-77-6	Oleoresin Capsicum  Acute Tox. 4, H302; Skin Irrit. 2, H315; Eye Irrit. 2A, H319; STOT SE 3, H335	10%
57-55-6	Propylene glycol	5-10%
7727-37-9	nitrogen  Press. Gas, H280 Simple Asphyxiant	0-20%
811-97-2	Norflurane  Press. Gas, H280 Simple Asphyxiant	0-20%
29118-24-9	(1E)-1,3,3,3-Tetrafluoro-1-propene Simple Asphyxiant	0-20%

Additional information:

Propellant will be 1234-ze, norflurane, nitrogen or mixture of these propellants.
 For the listed ingredient(s), the identity and/or exact percentage(s) are being withheld as a trade secret.

(Cont'd. on page 3)

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(Cont'd. of page 2)

4 First-aid measures

- **Description of first aid measures**
- **General information:** Take affected persons out into the fresh air.
- **After inhalation:** Supply fresh air; consult doctor in case of complaints.
- **After skin contact:**
Immediately wash with water and soap and rinse thoroughly.
If skin irritation continues, consult a doctor.
- **After eye contact:**
Remove contact lenses if worn.
Rinse opened eye for several minutes under running water. If symptoms persist, consult a doctor.
- **After swallowing:**
Unlikely route of exposure.
Rinse out mouth and then drink plenty of water.
Do not induce vomiting; immediately call for medical help.
- **Most important symptoms and effects, both acute and delayed:**
Coughing
Gastric or intestinal disorders when ingested.
Irritating to eyes, respiratory system and skin.
- **Danger:** No relevant information available.
- **Indication of any immediate medical attention and special treatment needed:**
If necessary oxygen respiration treatment.
If medical advice is needed, have product container or label at hand.

5 Fire-fighting measures

- **Extinguishing media**
- **Suitable extinguishing agents:** Use fire fighting measures that suit the environment.
- **For safety reasons unsuitable extinguishing agents:** None.
- **Special hazards arising from the substance or mixture**
Danger of receptacles bursting because of high vapor pressure if heated.
- **Advice for firefighters**
- **Protective equipment:**
Wear self-contained respiratory protective device.
Wear fully protective suit.
- **Additional information:** Use large quantities of foam as it is partially destroyed by the product.

6 Accidental release measures

- **Personal precautions, protective equipment and emergency procedures**
For large spills, use respiratory protective device against the effects of fumes/dust/aerosol.
For large spills, wear protective clothing.
Ensure adequate ventilation.

(Cont'd. on page 4)

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(Cont'd. of page 3)

- **Environmental precautions** No special measures required.
- **Methods and material for containment and cleaning up**
 Absorb with liquid-binding material (sand, diatomite, acid binders, universal binders, sawdust).
 Dispose contaminated material as waste according to item 13.
 Send for recovery or disposal in suitable receptacles.
- **Reference to other sections**
 See Section 7 for information on safe handling.
 See Section 8 for information on personal protection equipment.
 See Section 13 for disposal information.

7 Handling and storage

- **Handling**
- **Precautions for safe handling:**
 Use only in well ventilated areas.
 Avoid splashes or spray in enclosed areas.
 Keep out of reach of children.
- **Information about protection against explosions and fires:**
 Pressurized container: May burst if heated.
- **Conditions for safe storage, including any incompatibilities**
- **Requirements to be met by storerooms and receptacles:**
 Observe official regulations on storing packagings with pressurized containers.
 Store in a cool location.
- **Information about storage in one common storage facility:** Store away from foodstuffs.
- **Further information about storage conditions:**
 Store in a cool place. Heat will increase pressure and may lead to the receptacle bursting.
- **Specific end use(s)** No relevant information available.

8 Exposure controls/personal protection

- **Control parameters**

- **Components with limit values that require monitoring at the workplace:**

64-17-5 Ethanol

PEL (USA)	Long-term value: 1900 mg/m ³ , 1000 ppm
REL (USA)	Long-term value: 1900 mg/m ³ , 1000 ppm
TLV (USA)	Short-term value: 1880 mg/m ³ , 1000 ppm
EL (Canada)	Short-term value: 1000 ppm
EV (Canada)	Long-term value: 1,900 mg/m ³ , 1,000 ppm
LMPE (Mexico)	Long-term value: 1000 ppm
	A3

7727-37-9 Nitrogen

(Cont'd. on page 5)

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(Cont'd. of page 4)

TLV (USA)	withdrawn TLV, see App. F; simple asphyxiant
EL (Canada)	Simple asphyxiant
LMPE (Mexico)	Asfixiante simple

57-55-6 Propylene glycol

WEEL (USA)	Long-term value: 10 mg/m ³
EV (Canada)	Long-term value: 155* 10** mg/m ³ , 50* ppm *vapour and aerosol;**aerosol only

- **Exposure controls**
- **Engineering measures** Provide adequate ventilation.
- **General protective and hygienic measures:**
 The usual precautionary measures for handling chemicals should be followed.
 Keep away from foodstuffs, beverages and feed.
 Immediately remove all soiled and contaminated clothing.
 Wash hands before breaks and at the end of work.
 Do not inhale gases / fumes / aerosols.
 Avoid contact with the eyes and skin.
- **Engineering controls:** No relevant information available.
- **Breathing equipment:** Use suitable respiratory protective device when high concentrations are present.
- **Protection of hands:**



Protective gloves

The glove material has to be impermeable and resistant to the product/ the substance/ the preparation.

- **Eye protection:**



Safety glasses

Follow relevant national guidelines concerning the use of protective eyewear.

- **Body protection:** Protective work clothing
- **Limitation and supervision of exposure into the environment**
 No relevant information available.

9 Physical and chemical properties

- **Information on basic physical and chemical properties**

- **Appearance:**

Form:	Aerosol
Color:	According to product specification
· Odor:	Pungent
· Odor threshold:	Not determined.

(Cont'd. on page 6)

Safety Data Sheet

acc. to OSHA HCS (29CFR 1910.1200) and WHMIS 2015 Regulations

Printing date: December 11, 2018

Revision: December 11, 2018

Trade name: First Defense® .2 Percent MK-2 Stream OC Aerosol
 First Defense® .2 Percent MK-3 Stream OC Aerosol
 First Defense® .2 Percent MK-3 Stream OC Aerosol
 First Defense® .2 Percent MK-6 Stream OC Aerosol
 First Defense® .2 Percent MK-9 Stream OC Aerosol

(Cont'd. of page 5)

· pH-value:	Not determined.
· Melting point/Melting range:	Not determined.
· Boiling point/Boiling range:	> 104 °C (>219.2 °F)
· Flash point:	Not applicable.
· Flammability (solid, gaseous):	Not applicable.
· Auto-ignition temperature:	371 °C (699.8 °F)
· Decomposition temperature:	Not determined.
· Danger of explosion:	Product does not present an explosion hazard.
· Explosion limits	
Lower:	3.5 Vol %
Upper:	15.0 Vol %
· Oxidizing properties:	Non-oxidizing.
· Vapor pressure at 20 °C (68 °F):	59 hPa (44.3 mm Hg)
· Density:	Not determined.
· Relative density:	Not determined.
· Vapor density:	Not determined.
· Evaporation rate:	Not determined.
· Solubility in / Miscibility with Water:	Fully miscible.
· Partition coefficient (n-octanol/water):	Not determined.
· Viscosity	
Dynamic:	Not determined.
Kinematic:	Not determined.
· Other information	No relevant information available.

10 Stability and reactivity

- **Reactivity:** No relevant information available.
- **Chemical stability:**
- **Thermal decomposition / conditions to be avoided:**
 Danger of receptacles bursting because of high vapor pressure if heated.
- **Possibility of hazardous reactions**
 Toxic fumes may be released if heated above the decomposition point.
- **Conditions to avoid** No relevant information available.
- **Incompatible materials** No relevant information available.
- **Hazardous decomposition products** Possible in traces.

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11 Toxicological information

· **Information on toxicological effects**

· **Acute toxicity:**

· **LD/LC50 values that are relevant for classification:**

8023-77-6 Oleoresin Capsicum

Oral	LD50	3000 mg/kg (rat)
Dermal	LD50	>2500 mg/kg (mouse)

· **Primary irritant effect:**

- **On the skin:** Irritant to skin and mucous membranes.
- **On the eye:** Irritating effect.
- **Sensitization:** No sensitizing effects known.
- **Subacute to chronic toxicity:** No relevant information available.

· **IARC (International Agency for Research on Cancer):**

64-17-5 Ethanol

1

· **NTP (National Toxicology Program):**

None of the ingredients are listed.

· **OSHA-Ca (Occupational Safety & Health Administration):**

None of the ingredients are listed.

· **Probable route(s) of exposure:**

Inhalation.
 Eye contact.
 Skin contact.

- **Acute effects (acute toxicity, irritation and corrosivity):** Irritating to eyes, respiratory system and skin.
- **Repeated dose toxicity:** No relevant information available.
- **Germ cell mutagenicity:** Based on available data, the classification criteria are not met.
- **Carcinogenicity:** Based on available data, the classification criteria are not met.
- **Reproductive toxicity:** Based on available data, the classification criteria are not met.
- **STOT-single exposure:** Based on available data, the classification criteria are not met.
- **STOT-repeated exposure:** Based on available data, the classification criteria are not met.
- **Aspiration hazard:** Based on available data, the classification criteria are not met.

12 Ecological information

· **Toxicity**

- **Aquatic toxicity** No relevant information available.
- **Persistence and degradability** No relevant information available.
- **Bioaccumulative potential:** No relevant information available.
- **Mobility in soil:** No relevant information available.

· **Additional ecological information**

· **General notes:**

(Cont'd. on page 8)

Safety Data Sheet

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 First Defense® .2 Percent MK-9 Stream OC Aerosol

(Cont'd. of page 7)

Negative ecological effects are, according to the current state of knowledge, not expected.

- **Results of PBT and vPvB assessment**
- **PBT:** Not applicable.
- **vPvB:** Not applicable.
- **Other adverse effects** No relevant information available.

13 Disposal considerations

- **Waste treatment methods**
- **Recommendation:**
 Must not be disposed of together with household garbage. Do not allow product to reach sewage system. The user of this material has the responsibility to dispose of unused material, residues and containers in compliance with all relevant local, state and federal laws and regulations regarding treatment, storage and disposal for hazardous and nonhazardous wastes.
- **Uncleaned packagings**
- **Recommendation:** Disposal must be made according to official regulations.
- **Recommended cleansing agent:** Water, if necessary with cleansing agents.

14 Transport information

- **UN-Number**
- **DOT, ADR/RID/ADN, IMDG, IATA** UN1950
- **UN proper shipping name**
- **DOT** Aerosols, non-flammable
- **ADR/RID/ADN** 1950 AEROSOLS
- **IMDG** AEROSOLS
- **IATA** AEROSOLS, non-flammable

- **Transport hazard class(es)**

- **DOT**



- **Class** 2.2
- **Label** 2.2

- **ADR/RID/ADN**



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Safety Data Sheet

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Trade name: First Defense® .2 Percent MK-2 Stream OC Aerosol
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 First Defense® .2 Percent MK-9 Stream OC Aerosol

(Cont'd. of page 8)

· Class	2.2 5A
· Label	2.2

· IMDG, IATA



· Class	2.2
· Label	2.2

· Packing group	
· DOT, ADR/RID/ADN, IMDG, IATA	II

· Environmental hazards	
· Marine pollutant:	No

· Special precautions for user	Not applicable.
· Danger code (Kemler):	20
· EMS Number:	F-D,S-U

· Transport in bulk according to Annex II of MARPOL73/78 and the IBC Code	Not applicable.
---	-----------------

· Transport/Additional information:

· DOT	
· Quantity limitations	On passenger aircraft/rail: 75 kg On cargo aircraft only: 150 kg

15 Regulatory information

· Safety, health and environmental regulations/legislation specific for the substance or mixture

- United States (USA)
- SARA

· Section 302 (extremely hazardous substances):

None of the ingredients are listed.

· Section 355 (extremely hazardous substances):

None of the ingredients are listed.

· Section 313 (Specific toxic chemical listings):

None of the ingredients are listed.

· TSCA (Toxic Substances Control Act)

All ingredients are listed.

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Safety Data Sheet

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 First Defense® .2 Percent MK-9 Stream OC Aerosol

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- **Proposition 65 (California)**
- **Chemicals known to cause cancer:**
Ethanol - listing refers specifically to alcoholic beverage consumption and is not applicable for product.

64-17-5 Ethanol

- **Chemicals known to cause developmental toxicity for females:**

None of the ingredients are listed.

- **Chemicals known to cause developmental toxicity for males:**

None of the ingredients are listed.

- **Chemicals known to cause developmental toxicity:**
Ethanol - listing refers specifically to alcoholic beverage consumption and is not applicable for product.

64-17-5 Ethanol

- **EPA (Environmental Protection Agency):**

None of the ingredients are listed.

- **IARC (International Agency for Research on Cancer):**

64-17-5 Ethanol

1

- **Canadian Domestic Substances List (DSL) (Substances not listed.):**

All ingredients listed on DSL or NDSL.

16 Other information

This information is based on our present knowledge. However, this shall not constitute a guarantee for any specific product features and shall not establish a legally valid contractual relationship.

- **Abbreviations and acronyms:**

ADR: European Agreement concerning the International Carriage of Dangerous Goods by Road

IMDG: International Maritime Code for Dangerous Goods

DOT: US Department of Transportation

IATA: International Air Transport Association

CAS: Chemical Abstracts Service (division of the American Chemical Society)

LC50: Lethal concentration, 50 percent

LD50: Lethal dose, 50 percent

PBT: Persistent, Bio-accumulable, Toxic

vPvB: very Persistent and very Bioaccumulative

OSHA: Occupational Safety & Health Administration

Press. Gas: Gases under pressure – Compressed gas

Flam. Liq. 2: Flammable liquids – Category 2

Acute Tox. 4: Acute toxicity – Category 4

Skin Irrit. 2: Skin corrosion/irritation – Category 2

Eye Irrit. 2A: Serious eye damage/eye irritation – Category 2A

STOT SE 3: Specific target organ toxicity (single exposure) – Category 3

- **Sources**

SDS Prepared by:

ChemTel Inc.

1305 North Florida Avenue

Tampa, Florida USA 33602-2902

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Safety Data Sheet

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First Defense® .2 Percent MK-9 Stream OC Aerosol

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Toll Free North America 1-888-255-3924 Intl. +01 813-248-0573
Website: www.chemtelinc.com

MATERIAL SAFETY DATA SHEET

SECTION 1 - PRODUCT AND COMPANY IDENTIFICATION

PRODUCT NAME: First Defense [®] , OC, Stream .2%	
PRODUCT NUMBER(S): 5039, 5049, 5069, 5099, 5439, 5449, 56125, 56185	DATE: January 16, 2012
TRADE NAME: OC, Stream .2% GENERAL USE: Crowd control, Duty and Patrol CHEMICAL FAMILY: Capsaicins solution PRODUCT DESCRIPTION: Pungent, Irritating Liquid	Non-Confidential Version for use in the US except NJ and PA  DEFENSE TECHNOLOGY[®]
MANUFACTURED FOR: Safariland, LLC	DATE PREPARED: January 16, 2012
ADDRESS (NUMBER, STREET, P.O. BOX) 13386 International Parkway	SUPERSEDES: All Previous Editions
(CITY, STATE AND ZIP CODE) Jacksonville, FL 32218	TELEPHONE NUMBER FOR INFORMATION / Customer Care 800-347-1200
COUNTRY USA	CHEMTEL 24-HOUR EMERGENCY TELEPHONE NUMBER  1-800-255-3924 01-813-248-0585 North America Toll Free International

SECTION 2 - HAZARDOUS INGREDIENTS

Hazardous Components	% (by Weight)	CAS #	EINECS #	Hazard Symbol	RISK PHRASES (Full Text Section 15)
Oleoresin Capsicum	10% (a)	8023-77-6	206-969-8 (b)	None	None
Specialty Denatured Alcohol (SDA) 40B (c)	NR	64-17-5(d)	200-578-6(d)	F	R11

(a) - Equivalent to .2% major capsaicinoid (MC) content.
 (b) - EINECS Number references Capsaicin
 (c) - Contains trace amounts of t-Butyl alcohol and Bitrex (denatonium benzoate)
 (d) - CAS and EINECS Numbers reference Ethanol / Ethyl Alcohol

Notes: Hazard symbols and risk phrases based on maximum listed concentration of each hazardous ingredient. **WARNING: This product contains Ethanol, a chemical known to the state of California to cause developmental reproductive toxicity.**

SECTION 3 - HAZARDS IDENTIFICATION

EMERGENCY OVERVIEW
 Product in container poses no exposure risk. Product Contents cause TEMPORARY acute eye, skin, digestive and respiratory system irritation under direct exposures; Indirect exposure may cause temporary, slight irritation to eyes. Containers may rupture and release irritating contents under fire conditions. **Product is shipped unpressurized - end user must pressurize the device prior to deployment.**

POTENTIAL HEALTH EFFECTS

ACUTE EXPOSURE EFFECTS

INHALATION:

Temporary burning sensation and irritation upon direct exposure, with cough and wheezing; some chest tightness may occur. Effects will be slight or non-existent from indirect exposure.

SKIN:

Temporarily irritating to skin through direct exposure; inflammation of mucosal surfaces seen with prolonged contact. Repeated contact may cause dermatitis. Effects will be slight or non-existent from indirect exposure.

EYES:

Temporary burning sensation and irritation, with pain, redness, and tearing from direct exposure. Indirect exposure produces slight symptoms. Repeated or prolonged direct exposure may product chemical conjunctivitis.

INGESTION:

Ingestion of large quantities may cause temporary inflammation of mouth and throat, nausea, vomiting, and/or diarrhea. Small amounts will produce an unpleasant taste only; this effect is also temporary.

CHRONIC EXPOSURE EFFECTS

Chronic dermal exposure may result in rash. Chronic eye exposure could result in conjunctival or corneal damage.

CARCINOGENICITY:

NTP? No	IARC MONOGRAPHS? No	OSHA REGULATED? No
CALIFORNIA, Prop.65? No	ESIS? No	

MATERIAL SAFETY DATA SHEET

PRODUCT NAME: First Defense[®], OC, Stream .2%
PRODUCT NUMBER(S): 5039, 5049, 5069, 5099, 5439, 5449, 56125, 56185 **DATE:** January 16, 2012

SECTION 4 - FIRST AID MEASURES

INHALATION:
Remove patient to fresh air. If breathing is difficult, give oxygen. If breathing has stopped, give artificial respiration.

EYES:
First check the victim for contact lenses and remove if present. Flush victim's eyes with water for at least 15 minutes. Do not put any ointments, oils, or medication in the victim's eyes without specific instructions from a physician. Seek medical attention for severe or continued irritation.

SKIN:
Remove contaminated clothing, rinse with cool water, then wash with cool water & soap.

INGESTION:
DO NOT INDUCE VOMITING!! Rinse mouth with plenty of water. If conscious, give water, then seek medical attention.

SECTION 5 - FIRE FIGHTING MEASURES

GENERAL HAZARDS:
Combustible Solution- Flash Point estimated at >200°F (>94°C). Auto-Ignition temperature is 363°C (685°F) for ethanol. Explosive limits are 3.3-19.0% for ethanol as a pure substance; unknown for this product. Product is not sensitive to mechanical impact or static discharge.

EXTINGUISHING MEDIA:
Use dry chemical, CO₂, or water spray. Wear self-contained breathing apparatus. All media forms are suitable.

FIRE FIGHTING PROCEDURES:
Use NIOSH or European EN149 approved chemical respirator. Use solvent-resistant type clothing with full jacket. Avoid absorption of product on clothing. If absorbed in clothing, remove and wash clothes at once. Use chemical-resistant goggles. Use dry chemical, CO₂, or water spray to fight surrounding fires.

UNUSUAL FIRE AND EXPLOSION HAZARDS:
Pungent fumes may be emitted on exposure to elevated temperatures. Package is under pressure, and may release product when exposed to elevated temperatures.

HAZARDOUS COMBUSTION PRODUCTS:
Carbon dioxide, carbon monoxide, water vapor, and other organic compounds in small quantities

SECTION 6 - ACCIDENTAL RELEASE MEASURES

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED:
Soak up material with absorbent towel or material such as cat litter or sawdust and place into properly marked hazardous waste container for disposal at a licensed facility. Container should be kept sealed to prevent accidental exposure to irritating fumes. Small quantities of product may be safely washed into sewers or bodies of water.

SECTION 7 - HANDLING AND STORAGE

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE:
Keep product in cool, dry place. Do not store at temperatures above 120°F / 49°C. Do not puncture, crush, or incinerate containers. Empty containers may contain irritating, flammable residues; use caution in disposal of product and containers. Do not eat, drink, or use tobacco while handling product.

SECTION 8 - EXPOSURE CONTROLS / PERSONAL PROTECTION

Hazardous Components	CAS #	ACGIH Exposure Limits	OSHA Exposure Limits
Oleoresin Capsicum	8023-77-6	Not Established	Not Established
Specialty Denatured Alcohol (SDA) 40B	64-17-5	1000 ppm TWA	1000 ppm / 1900 mg/m ³ TWA

MATERIAL SAFETY DATA SHEET

PRODUCT NAME:	First Defense [®] , OC, Stream .2%		
PRODUCT NUMBER(S):	5039, 5049, 5069, 5099, 5439, 5449, 56125, 56185	DATE:	January 16, 2012

SECTION 8 - EXPOSURE CONTROLS / PERSONAL PROTECTION (Continued)

PERSONAL PROTECTION	
RESPIRATORY PROTECTION: Wear positive pressure NIOSH or European EN149 vapor respirators when deploying product in large quantities.	
PROTECTIVE GLOVES: Use solvent or chemical resistant rubber gloves when deploying product in quantity.	
EYE PROTECTION: Use safety glasses with side shields or chemical-resistant goggles.	
OTHER PROTECTIVE CLOTHING OR EQUIPMENT: Wear clothing to prevent contact with skin; Tyvek suits or chemical aprons may be required in some situations.	
WORK / HYGIENIC PRACTICES: Avoid absorption of product on clothing. If absorbed in clothing, remove and wash clothes at once. Do not eat, drink, or use tobacco while handling product; wash hands thoroughly after handling product.	

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

APPEARANCE AND ODOR Pungent, Irritating Liquid	VAPOR PRESSURE Not Established
pH Not determined	SPECIFIC GRAVITY (WATER = 1) Not Determined
MELTING / FREEZING POINT <32°F Estimated	SOLUBILITY IN WATER Miscible
BOILING POINT >220°F Estimated	SOLUBILITY IN ORGANIC SOLVENTS Variable - solution favors polar protic and polar aprotic solvents
FLASH POINT >200°F / 94°C	VISCOSITY Not Determined
FLAMMABLE LIMITS LEL: None UEL: None	VAPOR DENSITY (AIR = 1) Not Determined
AUTOIGNITION TEMPERATURE Not Determined for Product	EVAPORATION RATE (WATER = 1) Not Determined

VOLATILE ORGANIC COMPOUND (VOC) INFORMATION
Not applicable.

NOTES:

SECTION 10 - STABILITY AND REACTIVITY

STABILITY Stable under normal conditions	CONDITIONS TO AVOID: Extreme heat, Incompatible materials
INCOMPATIBILITY (MATERIALS TO AVOID): Water-Reactive materials, Strong oxidizers, Mineral Acids (Sulfuric, Nitric, Perchloric, etc.)	
HAZARDOUS DECOMPOSITION OR BYPRODUCTS: Carbon dioxide, carbon monoxide, various hydrocarbons and small amounts of phosgene.	
HAZARDOUS POLYMERIZATION: Will not occur.	CONDITIONS TO AVOID: None related to polymerization.

MATERIAL SAFETY DATA SHEET

PRODUCT NAME: First Defense[®], OC, Stream .2%
PRODUCT NUMBER(S): 5039, 5049, 5069, 5099, 5439, 5449, 56125, 56185 **DATE:** January 16, 2012

SECTION 11 - TOXICOLOGICAL INFORMATION

Complete Product

Oral LD₅₀	Not known - temporarily irritating to mouth and esophageal passages from direct exposure.
Dermal LD₅₀	Temporarily irritating to skin form direct exposure.
Inhalation LC₅₀	Vapors generated from use are temporarily irritating, mainly under direct exposure.
Irritation	Direct exposure to product causes temporary irritation to respiratory tract, skin and eyes.

Product Components

Hazardous Components	CAS #	LD50 of Ingredient (Oral, Rat - unless otherwise specified)	LC50 of Ingredient (Inhalation, Rat - unless otherwise specified)
Oleoresin Capsicum	8023-77-6	47.2 mg/kg (as capsaicin)	Not Established
Specialty Denatured Alcohol (SDA) 40B	7758-97-6	3450 (oral, mouse, as ethanol)	Not Established

SECTION 12 - ECOLOGICAL INFORMATION


No ecological information is presently available for this blended product.

SECTION 13 - DISPOSAL CONSIDERATIONS

WASTE DISPOSAL METHOD:
 Dispose in accordance with all applicable Local, State and Federal regulations. Waste product may be discarded in to sewers after dilution with water, or may be sent to licensed facility for incineration.

SECTION 14 - TRANSPORT INFORMATION

PROPER SHIPPING NAME: ORM-D (USA) Aerosols, Non-Flammable UN 1950 (Intl),

<p>DOT HAZARD CLASS / Pack Group: ORM-D USA Ground Only.</p> <p>REFERENCE: 49CFR</p> <p>UN / NA IDENTIFICATION NUMBER: ORM-D USA Ground Only. NA Air: UN1950 International: UN 1950</p> <p>LABEL: ORM-D (USA Ground Only), Non-Flammable Gas 2.2 (Intl)</p> <p>HAZARD SYMBOLS:</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <small>CONSUMER COMMODITY</small> ORM-D </div> <div style="text-align: center;">  </div> </div>	<p>IATA HAZARD CLASS / Pack Group: Aerosols, non-flammable, 2.2, 75Kg passenger, 150Kg Cargo.</p> <p>IMDG HAZARD CLASS: 2.2</p> <p>RID/ADR Dangerous Goods Code: 2.2</p> <p>UN TDG Class / Pack Group: NA Air: 2.2</p> <p>Hazard Identification Number (HIN): 20</p>
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Note: Transportation information provided is for reference only. Client is urged to consult CFR 49 parts 100 - 177, IMDG, IATA, EU, United Nations TDG, and WHMIS (Canada) TDG information manuals for detailed regulations and exceptions covering specific container sizes, packaging materials and methods of shipping.

SECTION 15 - REGULATORY INFORMATION

TSCA (USA - Toxic Substance Control Act): All ingredients listed.

SARA TITLE III (USA - Superfund Amendments and Reauthorization Act):

Acute Health:	Yes	Chronic Health:	No
Fire:	No	Sudden Release of Pressure:	Yes
Reactive:	No		

MATERIAL SAFETY DATA SHEET

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PRODUCT NUMBER(S): 5039, 5049, 5069, 5099, 5439, 5449, 56125, 56185 **DATE:** January 16, 2012

SECTION 15 - REGULATORY INFORMATION (Continued)

313 REPORTABLE INGREDIENTS: None
 CERCLA (USA - Comprehensive Response Compensation and Liability Act): No RQ listed for product.
 California Prop 65, Safe Drinking Water and Toxic Enforcement Act of 1986: Ethanol is listed as in alcoholic beverages; Not applicable to product.
 CPR (Canadian Controlled Products Regulations): This product has been classified in accordance with the hazard criteria of the Controlled Products Regulations and the MSDS contains all of the information required by those regulations.
WHMIS Classifications: D2B - Material Causing other Toxic Effects.
 CIDL (Canadian Ingredient Disclosure List): Components are listed in Section 3 to meet the CIDL requirements.
 CDSL / NDSL (Canadian Domestic Substances List / Non-Domestic Substances List): Listed on DSL and/or NDSL.
 EINECS (European Inventory of Existing Commercial Chemical Substances): Referenced.
 WGK Water Quality Index: NE

RISK PHRASES:	SYMBOL(S) REQUIRED FOR EU LABEL	SAFETY PHRASES:
R36/37/38: Irritating to eyes, respiratory system, and skin.	 Xi - Irritant	S2: Keep out of the reach of children. S23.3: Do not breathe spray. S24/25: Avoid contact with skin and eyes. S26: In case of contact with eyes, rinse immediately with plenty of water and seek medical advice. S27/28: After contact with skin, immediately take off all contaminated clothing and wash immediately with plenty of water and soap.

SECTION 16 - OTHER INFORMATION

Legend			
N/A=Not Applicable	N/D=Not Determined	N/E = Not Established	N/R = Not Reported
HMIS HAZARD RATINGS 0 = INSIGNIFICANT , 1 = SLIGHT 2 = MODERATE, 3 = HIGH 4 = EXTREME	HEALTH: FLAMMABILITY: PHYSICAL HAZARD: PERSONAL PROTECTIVE EQUIPMENT:	2 1 1 H	

REVISION SUMMARY: Revised 16 January 2012 for US requirements outside NJ/PA. LB

MSDS Prepared by:
 ChemTel Inc.
 1305 North Florida Avenue
 Tampa, Florida USA 33602-2902
 Toll Free North America 1-888-255-3924 Intl. +01 813-248-0573
 Website: www.chemtelinc.com



The information contained herein is believed to be accurate but is not warranted to be so. Data and calculations are based on information furnished by the manufacturer of the product and manufacturers of the components of the product. Users are advised to confirm in advance of need that information is current, applicable and suited to the circumstances of use. Vendor assumes no responsibility for injury to vendee or third persons proximately caused by the material if reasonable safety procedures are not adhered to as stipulated in the data sheet. Furthermore, vendor assumes no responsibility for injury caused by abnormal use of this material even if reasonable safety procedures are followed. Any questions regarding this product should be directed to the manufacturer of the product as described in Section 1.

United Tactical Systems, LLC

Safety Data Sheet (SDS)

Date Printed: 03/23/2015
Date Updated: 10/26/2016

Section 1 – Identification of the substance or mixture and of the supplier

Product Name: PAVA Projectile
Part Number: 48600
MSDS Reference: FN303-5
Product Use: Incapacitant Projectile Fill. Inert ingredients with (PAVA, capsaicin II, nonivamide). Manufactured exclusively for FN Herstal S.A.

Manufacturer's Name: United Tactical Systems, LLC
Street Address: 28101 Ballard Drive, Unit F
City, State, Zip code: Lake Forest, IL 60045
Emergency Phone Number: (800) 424 9300
(847) 367-8960
FAX Number: (847) 367-8980

Section 2 – Hazards Identification

2.1 Classification of the substance or mixture

GHS Classification in accordance with 29 CFR 1910 (OSHA HCS)

Skin irritation (Category 2), H315
Eye irritation (Category 2A), H319
Skin sensitization (category 1), H317
Specific target organ toxicity – single exposure (Category 3), Respiratory system, H335

For the full text of the H-Statement mentioned in this Section, see Section 16.

2.2 GHS Label elements, including precautionary statements

Pictogram



Signal word

Warning

Hazard statement(s)

H315 Causes skin irritation.
H317 May cause an allergic skin reaction.
H319 Causes serious eye irritation.
H335 May cause respiratory irritation.

Precautionary statement(s)

P261 Avoid breathing dust/fume/gas/mist/vapors/spray.
P264 Wash skin thoroughly after handling.
P271 Use only outdoors or in a well-ventilated area.
P272 Contaminated work clothing should not be allowed out of the workplace.

P280 P302 + P352	Wear protective gloves / eye protection / face protection. IF ON SKIN: Wash with plenty of soap and water.
P304 + P340	IF INHALED: Remove victim to fresh air and keep at rest in a position comfortable for breathing.
P305 + P351 + P338	IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
P312	Call a POISON CENTER or doctor/physician if you feel unwell.
P321	Specific treatment (see supplemental first aid instructions on this label).
P333 + P313	If skin irritation or rash occurs: Get medical advice / attention.
P337 + P313	If eye irritation persists: Get medical advice / attention.
P362	Take off contaminated clothing and wash before reuse.
P403 + P233	Store in a well-ventilated place. Keep container tightly closed.
P405	Store locked up.
P501	Dispose of contents/container to an approved waste disposal plant.

2.3 Hazards not otherwise classified (HNOC) or not covered by GHS - none

Section 3 – Composition / Information on ingredients

Active Components:	Capsaicin	CAS # 404-86-4 / 2444-46-4
Formula	$C_{17}H_{27}NO_3$	
Synonyms:	Capsaicin II, capsaicinoid, red pepper extract, PAVA, nonivamide	
Certified level:	0.5% +/- 0.02% w/w capsaicin II	
Inert Ingredients:	9.5 % w/w inert carriers and dispersion agents (proprietary combination)	

Section 4 – First Aid Measures

INHALATION:

If breathing is difficult, administer oxygen. Symptoms may include: coughing, sneezing, burning eyes and skin, nausea and possibly vomiting. If high concentrations are inhaled, immediately remove subject to fresh air. Keep person calm. If not breathing, begin artificial respiration. If breathing difficulty persists, seek medical attention.

SKIN CONTACT:

In case of contact, wash skin with soap and water to prevent further exposure. Flush skin with copious amounts of cool water to minimize irritant effect. Wash contaminated clothing before reuse. Do not apply salves or dressing to affected areas.

EYE CONTACT:

Remove contact lenses and flush eyes with copious quantities of cool water. Move patient to fresh air as soon as possible.

INGESTION:

Although ingestion is unlikely and not considered a potential route of exposure, individuals should be treated as having an acute non-specific airway reaction by an appropriate specialist. Do not induce vomiting.

Delayed Effects: Rubefacient effects usually subside within 30 minutes. Cool water or cool circulating air will minimize discomfort.

Advice to Physician/Special Consideration: Inhalation may aggravate or initiate asthmatic episodes. Pre-existing skin disorders may be aggravated by exposure to this material. Treat patient as if acute non-specific upper airway reaction.

Section 5 – Firefighting Measures

- 5.1 Extinguishing Media**
Suitable extinguishing media
Use water spray, alcohol-resistant foam, dry chemical or carbon dioxide
- 5.2 Special hazards arising from the substance or mixture**
Carbon oxides, nitrogen oxides (NO_x)
- 5.3 Advice for firefighters**
Wear self-contained breathing apparatus for fire-fighting if necessary.
- 5.4 Further information**
No data available

Section 6 – Accidental Release Measures

Steps to be taken in case material is accidentally released:
Respiratory protection: NIOSHA approved respirator
Ventilation: Mechanical ventilation to keep exposure below recommended limits
Protective Gloves: Rubber, PVA, or neoprene
Eye Protection: Safety goggles or face shield
Skin Protection: Use appropriate barrier clothing

Methods for Cleaning Up:
Protective Equipment: Wear goggles and use NIOSH/MSHA approved respirator or self-contained breathing apparatus (SCBA) and full protective clothing to protect from incapacitating effects of capsaicin exposure.

Procedure to be followed in Case of Leak or Spill:
Evacuate area, sweep up material, place in bag and hold for waste disposal. Care should be taken to avoid causing dust to become airborne. Ventilate area and wash spill site with water after material pickup is complete.

Waste Disposal Measures: Not considered a hazardous waste as referenced in 40 CFR 261.24 or 261.3.

Section 7 – Handling and Storage

- 7.1 Precautions for safe handling**
Avoid contact with skin and eyes. Avoid formation of dust and aerosols.
Provide appropriate exhaust ventilation at places where dust is formed.
For precautions see section 2.2.
- 7.2 Conditions for safe storage, including any incompatibilities**
Keep container tightly closed in a dry and well-ventilated place.
Recommended storage temperature: 2 – 8 °C
Keep in a dry place.
- 7.3 Specific end uses(s)**
Apart from the uses mentioned in section 1, no other specific uses are stipulated

Section 8 – Exposure Controls / Personal Protection

8.1 Control parameters

Components with workplace control parameters

Contains no substances with occupational exposure limit values

8.2 Exposure controls

Appropriate engineering controls

Handle in accordance with good industrial hygiene and safety practice. Wash hands before breaks and at the end of workday.

Personal protective equipment

Eye/face protection

Face shield and safety glasses. Use equipment for eye protection tested and approved under appropriate government standards such as NIOSH (US) or EN 166 (EU).

Skin Protection

Handle with gloves. Gloves must be inspected prior to use. Use proper glove removal technique (without touching glove's outer surface) to avoid skin contact with this product. Dispose of contaminated gloves after use in accordance with applicable laws and good laboratory practices. Wash and dry hands.

Body Protection

Complete suit protecting against chemicals. The type of protective equipment must be selected according to the concentration and amount of the dangerous substance at the specific workplace.

Respiratory Protection

For nuisance exposures, use type P95 (US) or type P1 (EU EN 143) particle respirator. For higher level protection, use type OV/AG/P99 (US) or type ABEK-P2 (EU EN 143) respirator cartridges. Use respirators and components tested and approved under appropriate government standards such as NIOSH (US) or GEN (EU).

Control of environmental exposure

Do not let product enter drains.

Section 9 – Physical and Chemical Properties

9.1 Information on basic physical and chemical properties

a) Appearance	Form: finely ground dense powder
b) Odor	pungent, irritating
c) Odor Threshold	no data available
d) pH	no data available
e) Melting point/freezing point	no data available
f) Initial boiling point/range	no data available
g) Flash point	no data available
h) Evaporation rate	no data available
i) Flammability (solid, gas)	no data available
j) Upper/lower flammability or explosive limits	no data available
k) Vapor pressure	no data available
l) Vapor density	no data available
m) Relative density	no data available
n) Water solubility	insoluble

o) Partition coefficient: n-octanol/water	no data available
p) Auto-ignition temperature	no data available
q) Decomposition temperature	no data available
r) Viscosity	no data available
s) Explosive properties	no data available
t) Oxidizing properties	no data available

Section 10 – Stability and Reactivity

- 10.1 Reactivity**
no data available
- 10.2 Chemical stability**
Stable under recommended storage conditions.
- 10.3 Possibility of hazardous reactions**
no data available
- 10.4 Conditions to avoid**
no data available
- 10.5 Incompatible materials**
Strong oxidizing agents
- 10.6 Hazardous decomposition products**
Other decomposition products - no data available
In the event of fire: see section 5

Section 11 – Toxicological Information

Overexposure Acute: Cause irritation of eyes and skin. Swallowing can cause Gastronomical irritation. Inhalation can cause coughing, sneezing, nausea, headache or vomiting.

Overexposure Choronic: The toxicological properties of this product have not been fully investigated. Repeated exposure may present additional hazards.

Section 12 – Ecological Information

12.1 Toxicity

No data available

12.2 Persistence and degradability

No data available

12.3 Bio-accumulative potential

No data available

12.4 Mobility in soil

No data available

12.5 Results of PBT and vPvB assessment

PBT/vPvB assessment not available as chemical safety assessment not required/not conducted

12.6 Other adverse effects

No data available

Section 13 – Disposable Considerations

13.1 Waste treatment methods

Product

Offer surplus and non-recyclable solutions to a licensed disposal company. Contact a licensed professional waste disposal service to dispose of this material.

Contaminated packaging

Dispose of as unused product.

Section 14 – Transport Information

DOT (US)

UN number: 3335

Class: 9

Proper shipping name: Aviation regulated solid, n.o.s. (Nonivamide)

Marine pollutant: No

Poison Inhalation Hazard: No

IMDG

Not dangerous goods

IATA

UN number: 3335

Class 9

Packing group: III

Proper shipping name: Aviation regulated solid, n.o.s. (Nonivamide)

Section 15 – Regulatory Information

SARA 302 Components

SARA 302: No chemicals in this material are subject to the reporting requirements of SARA Title III, Section 302.

SARA 313 Components

SARA 313: This material does not contain any chemical components with known CAS numbers that exceed the threshold (De Minimis) reporting levels established by SARA Title III, Section 313.

SARA 311/312 Hazards

Acute Health Hazard, Chronic Health Hazard

Massachusetts Right To Know Components

No components are subject to the Massachusetts Right to Know Act

Pennsylvania Right To Know Components

Nonivamide CAS-No. 2444-46-4

New Jersey Right To Know Components

Nonivamide CAS-No. 2444-46-4

California Prop. 65 Components

This product does not contain any chemicals known to State of California to cause cancer, birth defects, or any other reproductive harm.

Section 16 – Other information including information on preparation and revision of the SDS

Full text of H-Statements referred to under sections 2 and 3.

Eye Irrit.	Eye irritation
H315	Causes skin irritation.
H317	May cause an allergic skin reaction.
H319	Causes serious eye irritation.
H335	May cause respiratory irritation.
Skin Irrit.	Skin irritation
Skin Sens.	Skin sensitization

HMIS Rating

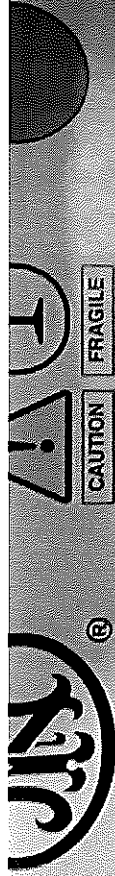
Health Hazard:	2
Chronic Health Hazard:	*
Flammability:	0
Physical Hazard:	0

NFPA Rating

Health Hazard:	2
Fire Hazard:	0
Reactivity Hazard:	0

Disclaimer:

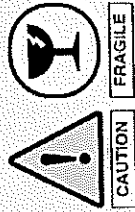
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CAUTION FRAGILE

FN303 PROJECTILES PAVA - POWDER - PROJECTILE

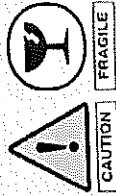
PART NUMBER: 48048600
QTY: 150
MSDS Reference: FN-303-5



CAUTION FRAGILE

FN303 PROJECTILES PAVA - POWDER - PROJECTILE

PART NUMBER: 48048600
QTY: 150
MSDS Reference: FN-303-5



CAUTION FRAGILE

FN303 PROJECTILES PAVA - POWDER - PROJECTILE

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