

Santa Barbara Police Department

Policy Manual

Law Enforcement Code of Ethics

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

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

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

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

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

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

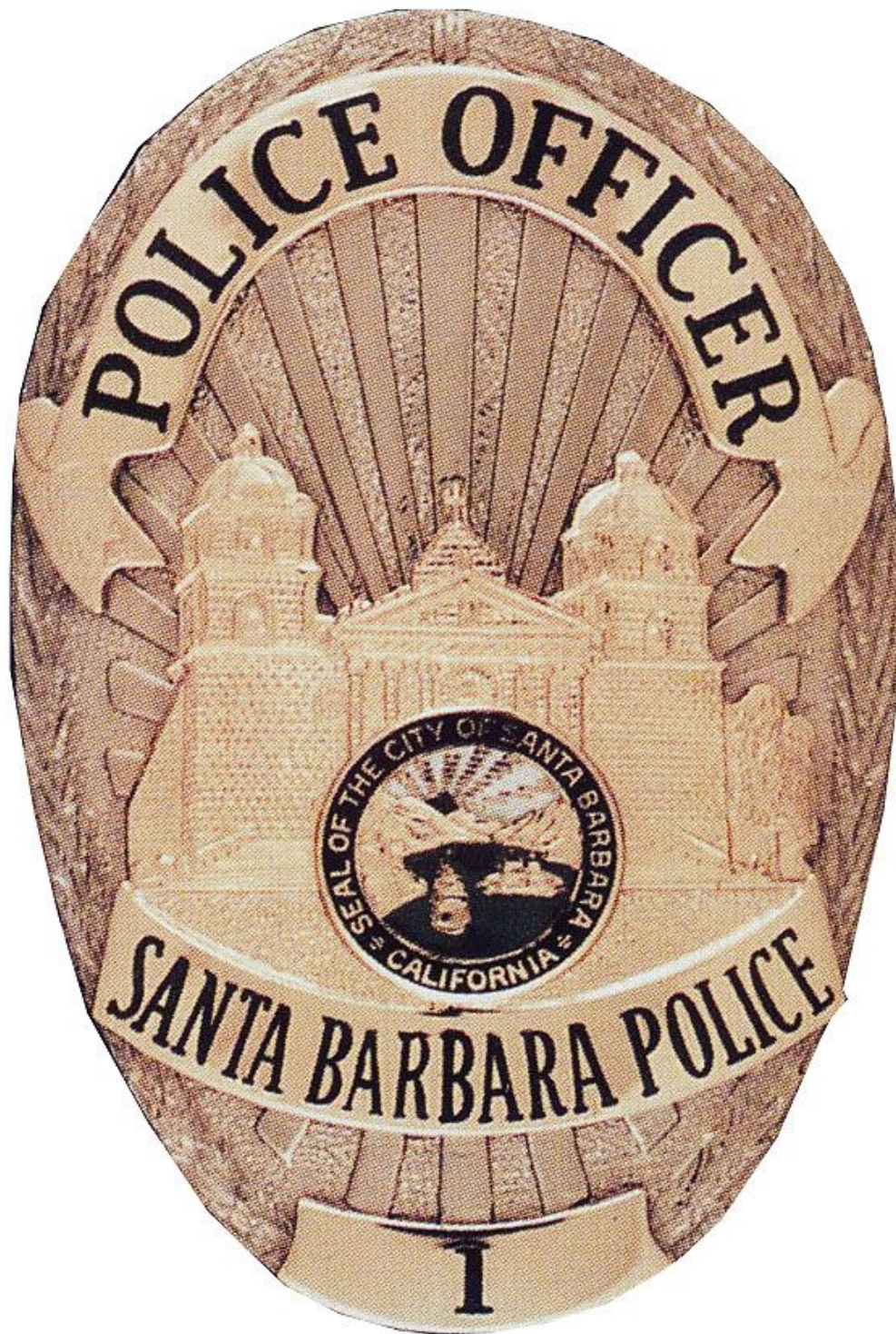
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MISSION STATEMENT

The mission of the Santa Barbara Police Department is to provide for the public safety through the philosophy of community oriented policing. It is to protect and serve our community where all people can live in peace without fear of crime. It is to ensure a professional quality of service and accountability to the citizens of Santa Barbara and to all who should call upon our service.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.1.1 MOTTO OF THE DEPARTMENT

The motto, "Dedicated to serve", states the essential purpose of the Santa Barbara Police Department. The Department protects the right of all persons within its jurisdiction to be free from criminal attack, to be secure in their possessions, and to live in peace. The Department serves the people of Santa Barbara by performing the law enforcement function in a professional manner, and it is to these people that the Department is ultimately responsible

100.2 PEACE OFFICER POWERS

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

- (a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or
- (b) Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give such consent, if the place is within a county; or
- (c) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

100.3 CONSTITUTIONAL REQUIREMENTS

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

100.4 CIVIL DISPUTES

Officers are frequently called to the scene of civil disputes where no crime has been committed. The presence of officers at such scenes is primarily to preserve the peace and to prevent a crime from occurring; it is not to give legal advice. Officers should avoid becoming unnecessarily involved in civil disputes and may advise the parties to seek the advice of legal counsel.

Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Santa Barbara Police Department is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

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

106.2 RESPONSIBILITIES

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

106.2.1 ADMINISTRATIVE DIVISION COMMANDER

The Community Services Commander or his designee shall be considered the ultimate authority for the provisions of this manual. General orders shall be issued by the Chief of police or his designee. The General Orders shall remain in effect until incorporated into the manual on an annual basis.

106.2.2 STAFF

Staff shall consist of the Chief of Police, Deputy Chief of Police and three Captains. The Administrative Division Commander or his designee shall be responsible for updating the department manual. 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.

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

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- General Orders may be abbreviated as "GO"
- 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 Santa Barbara .

Department/SBPD - The Santa Barbara 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 Santa Barbara Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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

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

Order - A written or verbal 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.

USC - United States Code

106.3.3 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall be distributed to the following:

- Chief of Police

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- Captains
- Administrative Lieutenant
- Administrative Sergeant
- Personnel & Training Bureau
- Watch Commander
- Field Sergeant's Office
- Detective Bureau
- Officer's Report Room

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

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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.

200.1.1 CHIEF OF POLICE

The Chief of Police is responsible for administering and managing the Santa Barbara Police Department.

200.1.2 CHIEF'S STAFF

The Chief's Staff consists of the Chief of Police, Deputy Chief of Police, Chief's Secretary, Support Services and Internal Affairs.

200.2 DIVISIONS

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

- Administrative Services Division
- Patrol Division
- Investigation Division

200.2.1 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Community Services Division. The Community Services Division consists of Crime Analysis, Training & Recruitment, Special Events Planning, Property, Animal Control, Records Bureau, Transcribers, D.A.R.E., Beat Coordinators, Range & Equipment, Police Activities League and Information Technology.

200.2.2 PATROL DIVISION

The Patrol Division commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Patrol Division consists of Watches, Traffic, Communications, Nightlife Enforcement Team, Special Enforcement Team, Canines, Drinking Driver Team, Tactical Patrol Force, Parking Enforcement, Crossing Guards, Reserve Corps, and Chaplains.

200.2.3 INVESTIGATIVE DIVISION

The Investigation Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Investigation Division. The Investigative Division consists of Investigative Sections, School Resources, Crime Lab, Intelligence, Polygraph Examinations, High Tech Forensics.

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Organizational Structure and Responsibility

200.2.4 SUPERVISION

Since emergency situations occur without warning and their duration is often brief, officers must frequently make critical decisions without benefit of on the scene direction. In most police operations, however, supervision is available and necessary to provide guidance and training. Supervision gives coherence to the police task and directs the energies of the Department into an organized effort. Proper supervision is essential to maintain a professional level of competence in law enforcement operations.

200.2.5 SUPERVISION IN FIELD OPERATIONS

The Department is an organization with an assignment of responsibility and accountability throughout the rank structure. To the degree that a senior officer is responsible and accountable for the performance of his junior, he must be granted commensurate authority in order to properly discharge his supervisory responsibility. Field supervision begins with the senior police officers of the Department, and it is upon them that the primary burden of training and supervising less experienced officers is placed. A field sergeant is the first level of full time supervision; and it is their primary responsibility to guide, train, direct, and motivate those over whom they have control. A field sergeant is not normally expected to engage in law enforcement operations except in a command or supervisory capacity.

200.2.6 COMMAND RESPONSIBILITY AT POLICE SITUATIONS

Command of Department resources at a police situation rests with the field Commander or the assigned senior officer. Such person has the authority to direct the operation and is responsible for its outcome. A senior Command officer may make suggestions; however, he may not actively direct the operation unless he properly relieves the subordinate of command. A senior Command officer at an emergency scene who does not choose to take command may be held accountable for unfavorable developments, which he could have prevented by assuming control.

200.2.7 CRIME SCENE SUPERVISION

The senior investigator present is in charge of a crime scene.

General Order

204.1 PURPOSE AND SCOPE

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

204.1.1 GENERAL ORDER PROTOCOL

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

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

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

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police and/or his/her designee shall issue all General Orders.

204.2.3 OTHER DIRECTIVES AND INFORMATIVE PUBLICATIONS

Orders which affect only one administrative office, division, or section may be used by or at the direction of the concerned Commander, or the Chief of Police. Orders affecting more than one administrative office shall be issued only at the direction of the Chief of Police. Classes of orders and informative publications are defined as follows:

(a) Special Orders

Special Orders are written orders issued by the Office of the Chief of Police, applicable to the Department as a whole, a Division or Section thereof, or an individual therein, which establishes a temporary principle, policy, or procedure on a given subject usually for a specific period of time. When the effective period of a special order is not specified, it automatically becomes inoperative with the passing of the incident or situation that caused the issuance of the order.

(b) Transfer Orders

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General Order

Transfer Orders are issued by the Office of the Chief of Police directing the transfer of concerned personnel within the Department. They may also announce promotional appointments.

(c) Operation Orders

Operation Orders are issued by the Chief of Police or subordinate officers who are in charge of a special operation such as a unusual occurrence, a civil disturbance, or special event. They are issued detailing assignments and are limited to the duration of the concerned incident.

(d) Division Orders.

Division Orders are directives issued by Division Commanders setting forth policy and procedure of a division. Copies shall be provided for the Chief of Police, the Assistant Chief, and the Inspection and Control Officer.

(e) Department Bulletins

Department Bulletins are publications which contain advisory information, directives of temporary duration, routine notifications, schedules, and matters of information or general interest.

(f) Training Bulletins

Training Bulletins are materials prepared by the Training Officer for the continuing law enforcement education of Department personnel and are distributed to all employees.

(g) Newsletters

Newsletters are occasional publications from the Office of the Chief describing the current activities and projects of a specific office or section.

204.2.4 KNOWLEDGE OF ORDERS AND INFORMATIVE PUBLICATIONS

Employees shall familiarize themselves with Department directives and informative publications directed to them, including those which have been disseminated during their absences from duty. The publications shall be made available to all personnel within each division for referral purposes.

204.3 ACCEPTANCE OF GENERAL ORDERS

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

Disaster Plan

206.1 PURPOSE AND SCOPE

The City of Santa Barbara has prepared a City Multi Hazard Function Plan Manual for use by all city employees in the event of a major disaster or other emergency event, incorporating the Standard Emergency Management System (SEMS). The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated. The Police Department utilizes the Unusual Occurrences Manual which is based on the Multi Hazard Function Plan Manual.

206.2 EMERGENCY OPERATION CENTER

The Emergency Operations Center (EOC) for the City is located within Fire Station #1 (121 West Carrillo Street) , to be utilized by all city departments and agencies involved in emergency operations. The EOC is maintained by the Office of Emergency Services (OES) coordinator. The City Administrator or the highest ranking official on duty may activate the EOC in response to a major emergency

206.2.1 RECALL OF PERSONNEL

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

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

206.3 UNUSUAL OCCURENCES MANUAL

The Santa Barbara Police Department Unusual Occurrence Manual was designed to assist Department personnel in management and response activities during the early stages of specific large incidents that require a coordinated response and optimal use of personnel and resources. It is intended to provide guidance during the period prior to the activation of the Emergency Operations Center and implementation of the Standard Emergency Management System.

Any employee who is responsible for performing the duties of the Watch Commander, Field Supervisor, Field Officer, Communications Supervisor, Records Supervisor, OES Coordinator, PIO or Animal Control Officer and is involved in initial response or management activities during the early stages of any of the following incidents: earthquake, flooding and large fire, dam failure, hazardous materials incident, tsunami, major transportation incident, bomb, threat/explosion, shall immediately refer to the Santa Barbara Police Department Unusual Occurrence Manual and follow the guidelines for his/her position. Once the Emergency Operations Center has been activated and the Standard Emergency Management System has been implemented, employees will operate under the direction of the Incident Commander.

The Unusual Occurrence Manual will be maintained and updated by the Office of Emergency Services. New or additional information needed to update the manual should be directed to the Office of Emergency Services. .

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Disaster Plan

206.4 UPDATING OF MANUALS

The Chief of Police or designee shall participate with EOC Manager to review the Emergency Management Plan Manual, upon their request, to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

206.5 EMERGENCY RECALL PLAN

206.5.1 RESIDENCE AND TELEPHONE

All employees shall maintain a telephone and shall inform the office of the Chief of Police, in writing, any change of address or telephone number within twenty four (24) hours after such change

206.5.2 PROCEDURES

Recall and notification of off-duty personnel in the event of a disaster or large emergency will be conducted according to the Santa Barbara Police Department Emergency Recall Plan. Copies of the Emergency Recall Plan are located in Watch Commander's Office, Records Bureau, Combined Communications Center, Office of Emergency Services, Emergency Operations Center (cabinet), and each Division Commander's Office. The entire plan is also contained in the Unusual Occurrence Manual. The Emergency Recall Plan will be maintained and updated by the Office of Emergency Services. New or additional information needed to maintain the plan should be directed to the Office of Emergency Services.

Training Policy

208.1 PURPOSE AND SCOPE

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

208.2 OBJECTIVES

The objectives of the Santa Barbara Police Department's 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.

208.3 TRAINING PLAN

The training plan is developed and maintained by the Training/Recruitment Supervisor. It is the responsibility of Training/Recruitment Section to maintain, review, and update the Training Plan on an annual basis. The plan will address the following areas:

- (a) Legislative changes and case law
- (b) State mandated training
- (c) Critical issues training
- (d) Weaponless Defense
- (e) Training Bulletins and Videos

208.4 TRAINING FILES

When documentation is provided, the Business Manager shall be responsible for the maintenance of the official training file for all police employees. The Training Officer shall maintain a computer file of employee training.

Police Reserves/Explorer Post members training shall be maintained and appropriate records keep. The responsibility to maintain these records shall rest with the coordinator of each program.

208.5 TRAINING EXPENSES

208.5.1 TRAINING CONTINGENCY FUND

A Training Contingency Fund is established solely for the purpose of expediting payment for employees' expenses connected with training. Training which involves tuition, travel or meal expenses must have the required approvals on SBPD Form 1.41 (Application for

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Training Policy

Training/Seminar/Workshop). The employee scheduled for training must then contact the Business Office during business hours in advance of the training to obtain funds. All funds so received must be accounted for upon return by filing a Travel/Expense Record and returning all unexpended funds.

208.5.2 TRAVEL REIMBURSEMENT POLICY

It shall be the policy of this Department to regulate and monitor the expenditure of funds for the purpose of necessary travel in a manner that is fair and equitable to the employees and as cost efficient as possible for the benefit of the City of Santa Barbara. The purpose of this order is to clarify and standardize procedures in filing claims for the Police Department authorized travel. The procedure of advancing travel funds directly from the Police Department Business Office special travel fund has greatly expedited the disbursement of funds to employees prior to making trips; however, with the great number of trips continuously being taken, the fund is quickly depleted unless proper "Travel Authorization and/or Expense Records" are filed promptly.

The following procedures shall govern the arrangements for travel, cash advances, reimbursement for expenses, and filing of expense records.

208.5.3 AUTHORIZATION

Employees planning to travel shall clear the approval for authorized travel (travel which accrues a benefit to the Department and which is at the direction of the Department, not purely voluntary on the part of the employee) through their Division Commander or his/her designated representative prior to requesting funds from the Business Office. If travel is for training arranged by the Training Officer, it will only be necessary for the employee to verify any arrangements that have been made for lodging, the approved mode of travel, and the amount of funds authorized.

208.5.4 MODE OF TRANSPORTATION

In determining mode of transportation for authorized travel, the Training Officer or Division Commander shall take into account factors that would bear upon the decision with respect to determining the most cost effective means. Factors to consider may include:

- (a) Time available to reach destination.
- (b) Cost of employee's time in transit.
- (c) Cost of mileage allowance for private conveyance.
- (d) Cost of commercial fares.
- (e) Availability of commercial carriers, City-owned vehicles, and privately owned vehicles.
- (f) Unique problems at destination.
- (g) Use of rental car for local transportation at destination. We have a contact for this service.
- (h) Appropriate conveyance for prisoner transportation.
- (i) Scheduling of commercial carriers.
- (j) Weather factors.

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Training Policy

(k) Nature of possible funding by outside sources. All use of City vehicles for out-of-town trips must be coordinated by and approved by the appropriate Division Commander.

208.5.5 MILEAGE

Prior to receiving travel funds, if private conveyance is to be used, the Training Officer or Division Commander will inform employees using their own vehicles the amount of mileage allowance that will be approved, based upon the city-to-city mileage tables used by common

carriers. No mileage allowance will be approved for short distances lodging to point of activity. Where exceptional circumstances require excessive mileage beyond the city-to-city mileage, such as a trip with numerous destinations, the excess mileage may be approved by

the Division Commander. When two or more employees are attending the same function and the use of private conveyance is authorized (auto or aircraft), mileage allowance will be granted only for as many vehicles as may be reasonably required to transport the group

collectively. Under ordinary circumstances, two employees attending the same function would only be reimbursed for the cost of one vehicle.

208.5.6 PER DIEM

"Per Diem" is an allowance made to City employees to defray personal expenses incurred in the conduct of City business above those that would normally be experienced. "Per Diem" is not to be considered a bonus or a means of supplementing normal wages. Employees are expected to use discretion and maintain the same level of eating habits as if they were paying for meals themselves. Maximum allowances will be established and adhered to, unless special circumstances warrant further consideration. In the event a situation arises

wherein expenses exceed the rates established, the reason shall be stated in the "remarks" section of the travel expense record and approved by the Division Commander.

208.5.7 TRAVEL AUTHORIZATION AND/OR EXPENSE RECORD

Employees shall complete their "Travel Authorization and/or Expense Record" and return it to the Business Office within two working days after return to Santa Barbara. Receipts for hotel, registration, etc., other than meals, together with any surplus funds, must accompany

the form. All figures must be exact, not approximate. Any expenses claimed over and above authorized limits must be justified on the report and approved by the Division Commander. All such instances should receive advanced prior approval.

208.5.8 TRAVEL TIME

Employees who travel in conjunction with assigned training or official business will receive compensation in accordance with applicable contracts. When an employee volunteers for training or other business, the travel time will only be compensated as mutually agreed upon prior to departing for the event.

208.6 TRAINING PROCEDURES

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

1. Court appearances

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Training Policy

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 / Recruitment Sergeant to attend the required training on an alternate date.

Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of electronic mail (e-mail) by employees of this Department. E-mail is a communication tool available to Department employees to enhance the 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 e-mail system can involve City business activities or personal communication.

212.2 E-MAIL RIGHT OF PRIVACY

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

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

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

212.3 PROHIBITED USE OF E-MAIL

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

E-mail messages addressed to "Everyone" are only to be used for city business related items that are of particular interest to all users. 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 e-mail, name and/or password by others.

212.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed. Users of e-mail are solely responsible for the management of their mailboxes. Mailbox storage shall be set to a predetermined size by the Information Technology unit. When the limit size has been reached, the user will be notified by the system to purge unneeded email. Users should comply with instructions for purging..

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 PERSONNEL ORDERS AND MEMORANDUMS

To announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status, Personnel Orders and Memorandums are issued via email and are published in the Department Newsletter every other week. The Department Newsletter is attached to the employees pay check or direct deposit pay receipt

214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Santa Barbara Police Department is not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall be signed under the name of the Chief of Police by the appropriate concerned Division Commander or middle management personnel down to and including the rank of Lieutenant. Personnel should use Department letterhead only for official business and with approval of their supervisor.

214.3.1 WRITING FOR PUBLICATION BY DEPARTMENT EMPLOYEES

A Department employee desiring to publish, or cause to be published, any writing, paper, treatise, script, or article which has been or purports to be authored or related by him based upon information obtained from the records of the Department; or resulting from the performance of official duties, or which identifies him with the Department; or which contains pictures, photographs, schematic drawings, charts, forms, or other pictorial material identified with the Department, shall first obtain the approval of the Chief of Police, except when the publication is a normal result of the performance of the employee's assigned duties.

214.4 SURVEYS

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

214.5 KNOWLEDGE OF ORDERS AND PUBLICATIONS

Employees shall familiarize themselves with Department directives and informative publications directed to them, including those which have been disseminated during their absences from duty. The publications shall be made available to all personnel within each division for referral purposes.

214.6 IDENTIFICATION TO CITIZENS

Employees of the Department are responsible for providing information to persons requesting the same, carefully, courteously, and accurately. Employees shall provide their proper identification, including name and identification number, to any person who may request such information.

Staffing Levels

216.1 PURPOSE AND SCOPE

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

216.2 MINIMUM STAFFING LEVELS

Each Division Commander shall regularly review service requirements and personnel availability in order to set staffing levels in conformance with the purpose of this policy. The Patrol Division Commander will establish staffing level guidelines through the issuance a Division Order which shall stand until changed. The Patrol Division Commander will establish parameters of discretion for Watch Commanders to follow in meeting or deviating from these guidelines.

Concealed Weapon License

218.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory discretion to issue a license to carry a concealed firearm to residents within the community. 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 of Police from entering into an agreement with the Sheriff to process all applications and licenses for the carrying of concealed weapons (Penal Code § 12050(g)).

218.2 QUALIFIED APPLICANTS

In order to apply for a license to carry a concealed weapon, the applicant must meet the following requirements:

- (a) Be a resident of the City of Santa Barbara.
- (b) Be at least 21 years of age.
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a concealed weapon. Fingerprints will be required and a complete criminal background check will be conducted.
- (e) Be of good moral character.
- (f) Show good cause for the issuance of the license.
- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (h) Provide proof of ownership and registration of any weapon to be licensed for concealment.
- (i) Provide at least three letters of character reference.
- (j) Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon
- (k) Complete required training.

218.3 APPLICATION PROCESS

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

218.3.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a concealed weapon shall first fully complete a Concealed Weapons License Application to be signed under penalty of

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perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 12051 (b) & (c)).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination.
2. If an incomplete CCW Application package is received, the Chief of Police or authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to Phase Two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a CCW Permit even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the Department of Justice for the required application fee along with a separate check made payable to the City of Santa Barbara for a nonrefundable 20 percent of the application fee to cover the cost of processing.
 1. The application fee does not include any additional fees required for fingerprinting, training or psychological testing.
 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 12050 (a)(1)(C)).
- (c) The applicant shall be required to submit to Live-Scan fingerprinting and a complete criminal background check by the Department of Justice. A second set of fingerprints may be required for retention in department files. Two recent passport size photos (two inches by two inches) of the applicant shall be submitted for department use. Fingerprint and photograph fees will be collected in addition to the application fees. No person determined to fall within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare and Institutions Code §§ 8100 or 8103 may be issued a license to carry a concealed weapon.
- (d) The applicant shall submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership and registration of each weapon to be licensed for concealment.

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

In the event that an application is denied at the conclusion of or during phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later (Penal Code § 12052.5).

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218.3.2 PHASE TWO

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

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
 - 1. The determination of good cause should consider the totality of circumstances in each individual case.
 - 2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
- (b) The applicant may be required to provide written evidence from a licensed physician that the applicant is not currently suffering from any medical condition that would make the individual unsuitable for carrying a concealed weapon. All costs associated with this requirement shall be paid by the applicant. Failure to provide satisfactory evidence of medical fitness shall result in removal of the applicant from further consideration.
- (c) The Chief of Police may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing in order to determine the applicant's suitability for carrying a concealed weapon. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. This testing is not intended to certify the applicant is psychologically fit to carry a weapon. It is instead intended to determine whether an applicant has any outward indications or history of psychological problems that might render him/her unfit to carry a concealed weapon. If it is determined that the applicant is not a suitable candidate for carrying a concealed weapon, the applicant shall be removed from further consideration.
- (d) The applicant shall complete a 16-hour course of training approved by the agency minimally including firearms safety and the laws regarding the permissible use of a firearm.
- (e) The applicant shall submit any weapon to be considered for a license to the Rangemaster or other departmentally authorized gunsmith for a full safety inspection. The Chief of Police reserves the right to deny a license for any weapon from an unrecognized manufacturer or any weapon that has been altered from the manufacturer's specifications.
- (f) The applicant shall successfully complete a firearms safety and proficiency examination with the weapon to be licensed, to be administered by the department Rangemaster or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

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

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. (Penal Code § 12052.5).

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218.4 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED WEAPON

The authority to issue a limited business license to carry a concealed weapon 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 Santa Barbara.
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance.
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides.
- (d) Any application for renewal or re-issuance 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.

218.5 ISSUED CONCEALED WEAPONS PERMITS

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

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

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- (e) The licensee shall notify this department in writing within ten days of any change of place of residency. If the licensee moves out of the county of issuance, the license shall expire ninety (90) days after the licensee has moved.

218.5.1 LICENSE RESTRICTIONS

- (a) The Chief of Police may place special restrictions limiting time, place and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from any of the following:
 - 1. Consuming any alcoholic beverage while armed
 - 2. Falsely representing him or herself as a peace officer
 - 3. Unjustified or unreasonable displaying of a weapon
 - 4. Committing any crime
 - 5. Being under the influence of any medication or drug while armed
 - 6. Interfering with any law enforcement officer's duties
 - 7. Refusing to display his/her license or weapon for inspection upon demand of any peace officer
- (b) The Chief of Police reserves the right to inspect any license or licensed weapon at any time.
- (c) Any ammunition carried in a weapon licensed to be carried concealed, shall be inspected and approved by the department's Rangemaster or armorer. The carrying of any other ammunition in a licensed weapon shall be grounds for revocation.
- (d) The alteration of any previously approved weapon including, but not limited to adjusting trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

218.5.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to accomplish one or more of the following:

- (a) Add or delete authority to carry a firearm listed on the license
- (b) Change restrictions or conditions previously placed on the license
- (c) Change the address or other personal information of the licensee

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

218.5.3 REVOCATION OF LICENSES

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

- (a) If the licensee has violated any of the restrictions or conditions placed upon the license
- (b) If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon

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- (c) If the licensee is determined to be within a prohibited class described in Penal Code §§ 29800 or 29900 or Welfare and Institutions Code §§ 8100 or 8103
- (d) If the licensee engages in any conduct which involves a lack of good moral character or might otherwise remove the good cause for the original issuance of the license
- (e) If the licensee establishes residency outside the Santa Barbara

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

If any license is revoked, the Department will immediately notify the licensee and the Department of Justice pursuant to Penal Code § 26225.

218.5.4 LICENSE RENEWAL

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

- (a) Verifying all information submitted in the original application under penalty of perjury
- (b) Taking an authorized training course of no less than four hours including firearms safety and the laws regarding the permissible use of a firearm
- (c) Submitting any weapon to be considered for a license renewal to the department's Rangemaster for a full safety inspection. The renewal applicant shall also successfully complete a firearms safety and proficiency examination with the weapon to be license renewal, to be administered by the Rangemaster, including completion of all releases and other forms
- (d) Payment of a non-refundable renewal application fee

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

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

218.6 DEPARTMENT REPORTING AND RECORDS

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

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

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

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218.7 CONFIDENTIAL RECORDS

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

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

Fire and Police Commission

219.1 PURPOSE AND SCOPE

The Board of Fire and Police Commissioners is governed by Sections 800, 801, 802, 803, 804, 805, and 816 of Article VIII of the City Charter. The Board of Fire and Police Commissioners is composed of five members, appointed by the City Council from the qualified electors of the City, each for a term for four years, July through June. Commissioners are subject to removal by majority vote of the Council. A vacancy may be filled for the remainder of the unexpired term by the Council. Members serve after expiration of their terms until replaced. Consecutive terms are usually limited to two.

219.2 DUTIES

(a) Act in an advisory capacity to the City Council and City Administrator in all matters relating to efficient and adequate fire and police protection for the City of Santa Barbara.

(b) Recommend to the City Council and City Administrator rules and regulations concerning the operation and conduct of the Fire and Police Departments.

(c) Consider with the Chiefs of the respective Fire and Police Departments an annual budget of such departments and make recommendations with respect thereto to the City Council and City Administrator.

(d) Recommend to the City Administrator and City Council appointments to the offices of Fire Chief and Chief of Police.

(e) Grant, deny, suspend, or revoke permits which are required for certain businesses and activities, as prescribed by ordinance.

219.3 RULES AND REGULATIONS

Pursuant to Section 804 of the Charter, the Board adopted Rules and Regulations for the smooth operation of the Board, approved by Council on 9 January 1968 and amended on 3 October 1968 and 3 September 1971.

219.4 OFFICERS

219.4.1 ELECTION

As soon as practical after 1 July of each year, the Board elects one of its members Chairman and one of its members Vice Chairman for a term of one year and until the respective successors are duly elected and qualified, in accordance "with the provisions of Section 804 of the Charter. The Chairmanship is rotated among all members without successive terms.

219.4.2 ABSENCE

In the event of the absence of both the Chairman and Vice Chairman at the time of an appointed Commission meeting, the member of the Commission present who is the senior member in line of service shall be Acting Chairman and call the meeting to order for the transaction of the business before the Commission.

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219.4.3 MEETINGS

219.4.4 PUBLIC MEETINGS

Meetings are public, except that, at the discretion of the Board, personnel matters may be determined in executive session to the extent allowed by law.

219.4.5 REGULAR MEETINGS

Regular meetings of the Board are held at the Police Department, 215 East Figueroa Street, at 7:30 p.m. on the fourth Thursday of each calendar month, unless otherwise provided for in advance. Dates and times of regular meetings may be changed from time to time by order of the Board and in conformance with Government Code Section 54950 54958.

219.4.6 SPECIAL MEETINGS

Special meetings may be called at any time by the Chairman or Secretary or any three members of the Board upon giving twenty four hours advance notice in writing to each member of the Board. Members who have signed a waiver pursuant to Section 54956 of the Government Code can be notified orally less than twenty four hours in advance.

219.4.7 QUORUM

Three members of the Board shall constitute a quorum. No action of the Board shall be effective unless a majority of the members present concur therein. If at any meeting, regular, special, or adjourned, no quorum is present, it may be adjourned by any Board member or Secretary present until the next succeeding business day at the same hour

219.4.8 CHANGE OF MEETING PLACE

If the briefing room at the Police Department is occupied at the time set for any Board meeting or is unsuitable for the discussion on the agenda, the meeting may be adjourned to any other suitable place in the Police Department or elsewhere by oral proclamation made in the briefing room at the time specified for the opening of such meeting or by designation on the agenda published by the Secretary.

219.4.9 COMMISSION SECRETARY

219.4.10 DESIGNATION

The Board appoints a Secretary who may, but need not be a member of the Board, who serves at the pleasure of the Board, subject to the required designation of the City Administrator.

219.4.11 DUTIES

(a) The Secretary of the Board records the minutes of each meeting, including the time and place thereof, the names of the members present and absent, all official acts of the Board, the votes given by members, records of any member's dissent with his reasons for dissenting. If such member so requests, and causes the minutes to be written up forthwith they can be presented for approval or amendment at the next regular meeting. The minutes or a true copy thereof certified by the Secretary are open to public inspection at all times.

(b) Communications and requests of the Board are made in writing and filed with the Secretary at least twenty four hours in advance of the meeting at which the same are to be presented, unless such requirements are waived by the Board. Items of a routine nature

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to be included on the agenda are submitted by 5 p.m. of the Friday prior to the regular meetings.

(c) The agenda for each meeting is prepared and furnished to each Board member and the Chiefs at least twenty four hours in advance of the meeting.

(d) The Secretary keeps the records of the proceedings of the Board and has charge of and is responsible for the safekeeping of the books, records, and other property; the same kept in an appropriate office or offices specified from time to time by order of the Board entered in its minutes. The Secretary generally conducts the correspondence of the Board and performs such other duties as may be designated by the Board.

(e) In the absence of the Secretary, an Assistant Secretary performs the duties of the Secretary.

Retired Officer CCW Endorsements

220.1 PURPOSE AND SCOPE

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

220.2 QUALIFIED RETIREES

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

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, shall not include any officer who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code 26305).

220.3 MAINTAINING A CCW ENDORSEMENT

In order to maintain a "CCW Approved" endorsement on an identification card, 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 department rules and policies as well as all federal, state and local laws.
- (c) Only be authorized to carry a concealed firearm inspected and approved by the Department.

220.4 CARRYING FIREARMS OUT OF STATE

Subject to 18 United States Code 926C and Policy Manual § 312.8, qualified retired officers of this department may be authorized to carry a concealed weapon in other states.

220.5 IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired officer shall be two inches by three inches and minimally contain the following (Penal Code § 25460):

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

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- (f) If applicable, a notation that "This person is in compliance with 18 USC § 926C(d)(1)."

220.6 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT

The CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or permanently revoked only upon a showing of good cause. Any denial or revocation under this section shall also be considered disqualification under 18 USC § 926C(d). The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner:

- (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) The 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".

220.6.1 WATCH COMMANDER RESPONSIBILITY

Employees who have reason to suspect a retiree's conduct has compromised public safety should notify the Watch Commander as soon as practical. The Watch Commander should take the following steps in these instances:

- (a) Take appropriate steps to promptly look into the matter.
- (b) If warranted, contact the retiree in person and advise him/her in writing of the following:
 - 1. The retiree's CCW endorsement is immediately and temporarily revoked.
 - 2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.

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3. 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.
- (c) A current copy of Penal Code §§ 26305, 26312 and 26315 should be attached to the written notice.
 - (d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a peace officer of that agency act as the Department's agent to deliver the written notification.
 - (e) 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).
 - (f) The Watch Commander should document in a memo 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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Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 PHILOSOPHY

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 human encounters and when warranted, may use force in carrying out their duties.

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

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.2 POLICY

It is the policy of this Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of "reasonableness" must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving-about the amount of force that is necessary in a particular situation.

300.2.1 NON-DEADLY FORCE APPLICATIONS

Any application of force which is not reasonably anticipated to result in death shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to Leg Restraints and Control Devices described in Policy Manual sections 306 and 308 respectively. Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain injury before applying reasonable force.

300.2.2 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which

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the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used
- (b) The potential risk of serious injury to the individual being controlled
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance
- (d) The nature of the offense involved
- (e) The level of resistance of the individual(s) involved
- (f) The need for prompt resolution of the situation
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives

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

300.2.3 CAROTID RESTRAINT

The proper application of the carotid restraint hold by a trained officer may be effective in restraining a violent individual. Only officers who have successfully completed department-approved training on the use of the carotid restraint hold and the department Use of Force Policy are authorized to use the technique. After initial training, officers shall complete training annually on the use of the carotid restraint hold.

The carotid restraint hold may only be used when the officer reasonably believes that the application of the hold appears necessary to prevent serious injury or death to an officer or other person(s).

After any application of any carotid restraint hold, the officer shall ensure the following steps occur:

- (a) Any individual who has had the carotid restraint hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel.
- (b) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result.
- (c) Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold.
- (d) The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in the related incident report.

300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested¹³⁴ nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

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300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 - 1. The subject is violent or physically resisting.
 - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.
- (c) The application of a carotid control hold on the following 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 applying a carotid control hold:
 - 1. Females who are known to be pregnant
 - 2. Elderly individuals
 - 3. Obvious juveniles
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

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300.4 REPORTING THE USE OF FORCE

Any use of physical force by a member of this Department shall be documented promptly, completely, and accurately in an appropriate arrest, crime, or incident report narrative depending on the nature of the incident. All officers who use physical force shall complete a Use of Force Data Summary form (see Use of Force Data Summary form for specific instructions on completing the document) and notify a supervisor per SBPD Manual § 300.41. The Use of Force Data Summary form shall be submitted to the notified supervisor by the end of the officer's work shift. The use of particular weapons such as chemical agents may require completion of additional report forms as specified in departmental policy and/or law.

300.4.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances: (a) Where the application of force appears to have caused physical injury (b) The individual has expressed a complaint of pain (c) Any application of a leg restraint control device (d) Where the individual has been rendered unconscious (e) Any application requiring the completion of a Use of Force Data Summary form.

300.5 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officer(s). 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) Separately obtain a recorded interview with the subject(s) 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 or first aid has been completed, 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 also be retained until all potential civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

In the event that the supervisor believes that the incident may give rise to potential civil litigation, a separate potential claim form should be completed and routed to appropriate channels.

Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.

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

300.6 MEDICAL CONSIDERATION

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

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

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

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

300.7 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious.

300.7.1 TRANSPORTATION OF INJURED SUSPECTS

In an effort to de-escalate an incident in which the force was used to gain compliance with a suspect and medical treatment is necessary, transportation of subjects in custody shall not be by any involved officer(s). If transportation via ambulance is necessary, officers not involved in the incident shall accompany the suspect.

300.8 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.

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- (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.
- (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, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.8.1 WATCH COMMANDER RESPONSIBILITY

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

Deadly Force Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Santa Barbara Police Department to review the use of force by its employees.

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

302.2 REVIEW BOARD

The Santa Barbara Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in injury or death to a person.

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

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

302.2.1 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board shall be comprised of the Deputy Chief of Police and two division commanders of his choice. The chairperson will convene the board as necessary. It will be the responsibility of the Division or Unit Commander of the involved employee(s) to notify the Deputy Chief of any incidents requiring board review. The Division or Unit Commander will also ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

302.2.2 RESPONSIBILITIES OF THE BOARD

The Use of Deadly Force Review Board is empowered to conduct an administrative investigation into the circumstances of an incident. The board members may request further investigation, call persons to present information, and may request that the involved employee appear before the board. The involved employee will be notified of the meeting of the board and may be represented by legal counsel and/or other representation through all phases of the review process.

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

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

If it appears that the actions of the employee may result in criminal charges or disciplinary action by the Department, the board may conduct the interviews in accordance with

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Deadly Force Review

department disciplinary procedures or refer the investigation to the Professional Standards Section. The board does not have the authority to recommend discipline. The board shall make a finding and such finding will be limited to one of the following:

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

A finding will represent the consensus of the board. After the board has concluded, the board chairperson will submit written findings of the board to the Chief of Police. After review by the Chief of Police, a copy of the findings will be forwarded to the involved employee's Division Commander for review and appropriate action.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief of Police.

Once the board has reached its specific finding, the Training / Recruitment Sergeant may convene a separate training committee to address training needs and to make recommendations for this department without specific reference to the facts of the incident considered by the board.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

Shooting Policy / L.E.A.R.D.S.

303.1 PURPOSE AND SCOPE

Officer involved shooting incidents and situations involving police actions resulting in death or serious injury are a fact in police work. The potential of encountering a deadly force situation can occur any day, on any shift, at any time. Fortunately, the need to use deadly force has seldom occurred with our department's personnel. Correctly so, the decision to use deadly force is necessary is not taken lightly. The right to carry a firearm and decide when deadly force is necessary is the highest trust society bestows on any government agency.

The complexity of the lethal force issue is such that a policy cannot be formulated to cover every incident. Therefore, the following procedures may not be appropriate in all cases. Should the nature of the incident be such that some or all of these procedures cannot be followed, the investigation shall proceed with the philosophy that the interests of the police department, the officer, and the public require that these investigations be conducted in the most thorough and objective manner possible.

The Santa Barbara Police Department believes that the reverence for human life is a fundamental principle of police work. Our motto, "Dedicated to Serve", includes the protection of all human life, and the protection of innocent life is our highest priority. When circumstances arise that a police officer must place himself in harms way and use a weapon or firearm in the defense of innocent people, the reverence for human life is never more greatly respected. Although human life is never subordinate to any arrest or prosecution, the reverence for innocent life supercedes all other considerations.

303.2 DEPARTMENT INVESTIGATION

An immediate investigation will be conducted whenever an officer of this Department discharges a weapon, whether or not a person is injured as a result. All facts will be documented and the final report forwarded to the Chief of Police. This section does not apply when an officer is using a firearm under any of the following circumstances.

- (a) On an established target range.
- (b) While conducting authorized ballistics tests.
- (c) While engaged in legitimate or recreational sports activities.
- (d) With the approval of a supervisor, an officer may kill an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Injured animals (with the exception of dogs and cats) may only be killed after a reasonable search to locate the owner. Penal Code § 597(b).
- (e) When discharging an extended range impact weapon.

303.3 OFFICER INVOLVED SHOOTING

An officer involved shooting is defined as a shooting incident where a person is struck by police gunfire, or an officer fires at another person whether or not any person is struck.

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Shooting Policy / L.E.A.R.D.S.

303.3.1 LAW ENFORCEMENT ACTIVITY RELATED DEATHS OR SERIOUS INJURY (LEARDS)

Any incident in which a person dies or suffers a life-threatening injury as a direct result of a police action (including pursuits, legal intervention, custody deaths, etc.). LEARDS shall be investigated in a manner consistent with the procedures for "Officer Involved Shootings."

303.3.2 SELF DEFENSE OR DEFENSE OF OTHERS

An officer is entitled to use deadly force when it is necessary to save himself/herself and/or other persons from death or serious bodily harm. The amount of force used must have been necessary or the circumstances must have been such as to make the use of the force appear necessary to a reasonable and prudent person.

303.3.3 MISDEMEANANT

An officer shall not use deadly force to affect the arrest or prevent the escape of a person who has committed a misdemeanor.

303.3.4 FELONY SUSPECTS

A firearm may not be discharged at a fleeing felony suspect unless the felony is of a violent variety; i.e., a forcible or atrocious one which threatens death or serious bodily harm or there are other circumstances which reasonably create a fear of death or serious bodily harm to the officer or to another. An officer shall not shoot at a fleeing suspected felon on mere suspicion or probable cause. The officer shall have sound belief that the felony has an actual or potential result of serious bodily injury or death.

303.3.5 FLEEING JUVENILES

In the event officers are pursuing a fleeing juvenile, they shall not shoot except in self defense or defense of another.

303.3.6 WARNING SHOTS

Warning shots shall not be fired in an attempt to induce a suspect to surrender.

303.3.7 FLEEING VEHICLES

Officers shall not shoot at any fleeing vehicle except in compelling circumstances of a serious major felony.

303.4 REMOVAL OF FIREARM FROM HOLSTER

In all cases, when a firearm is removed from a holster in the line of duty where civilians, suspects, or prisoners are present, a written memorandum shall be submitted by the officer through the chain of command to the Chief of Police. The memo shall briefly outline the reasons and circumstances for the removal of the firearm, including the time, date, and place of the occurrence.

Officer Involved Shootings / L.E.A.R.D.S. Investigations

305.1 PURPOSE AND SCOPE

The goal of the use of lethal force investigation is to conduct a comprehensive, unbiased inquiry into the facts surrounding the incident, before, during, and after the use of force occurred. The investigation will seek to protect, collect, and preserve any evidence pertinent to the incident, while simultaneously preserving the rights of all of those involved. The criminal investigation will not only document facts which will support the arrest and prosecution of the involved suspects but also will clear innocent people from suspicion of criminal involvement. The administrative investigation will document facts to be used in the consideration of department policy issues. The investigation will also seek to assist the involved employees with emotional concerns following the use of force.

305.1.1 L.E.A.R.D.S.

LAW ENFORCEMENT ACTIVITY RELATED DEATHS OR SERIOUS INJURY

305.1.2 CUSTODIAL DEATHS

(a) Death of Juvenile While in Temporary Custody

(b) Injury or Death Due to Police Action or While in Police Custody

Custody deaths shall be investigated in a manner consistent with the procedures for that of Officer Involved Shootings

305.1.3 TRAFFIC COLLISION INVOLVING FATALITIES AND/OR TRAFFIC FELONIES

Law Enforcement Activity Related Deaths (or serious injury) shall be investigated in a manner consistent with the procedures for that of Officer Involved Shootings.

NOTE: The Chief of Police may designate the Critical Accident Response Team and or Investigative Division personnel to investigate L.E.A.R.D.S. involving traffic collisions

305.2 LEGAL STANDARDS

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

305.3 JURISDICTION

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

305.3.1 SANTA BARBARA POLICE OFFICER WITHIN CITY BOUNDARIES

The Santa Barbara Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, the administrative investigation, and the criminal investigation of the officer-involved shooting/L.E.A.R.D.S. incident.

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Officer Involved Shootings / L.E.A.R.D.S. Investigations

305.3.2 ANOTHER AGENCY'S OFFICER WITH SANTA BARBARA'S BOUNDARIES

The Santa Barbara Police Department is responsible for the criminal investigation of the suspect's and officer's actions. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

305.3.3 SANTA BARBARA POLICE OFFICER OUTSIDE CITY BOUNDARIES

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

305.3.4 INVESTIGATIVE RESPONSIBILITY MATRIX

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

	<i>Criminal Investigation of Suspect(s) / officer</i>	<i>Civil Investigation</i>	<i>Administrative Investigation</i>
Santa Barbara Police Officer in the City	Santa Barbara Police Detectives	Santa Barbara Police Civil Liability Team	Santa Barbara Police Professional Standards Unit
Another agency's officer in the City of Santa Barbara	Santa Barbara Police Detectives	Involved Officer's Agency	Involved Officer's Agency
Santa Barbara Police Officer in another jurisdiction.	Agency where incident occurred	Santa Barbara Police Civil Liability team	Santa Barbara Police Professional Standards Unit

305.4 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer involved shooting/L.E.A.R.D.S. incident.

305.4.1 INVOLVED OFFICER'S RESPONSIBILITY

An officer who has been involved in an on-duty Officer-Involved Shooting shall:

(a) Reholster your weapon once the tactical situation is resolved and leave it there. Additional handling of the weapon could result in the loss of evidence and/or give the appearance of tampering with the weapon.

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Officer Involved Shootings / L.E.A.R.D.S. Investigations

(b) Immediately after a shooting incident request a supervisor and additional units. Assess the need for medical personnel and request medical assistance.

(c) Handcuff the suspect, even if the suspect is severely wounded. It is in the best interest of the public and officer safety to have the suspect handcuffed. This will prevent further involvement by the suspect.

(d) Preserve the scene. If evidence is picked up prior to the arrival of the assigned detectives, mark the location from where it was obtained. Once evidence is picked up, secure it and do not replace it prior to the investigating officer's arrival. Think fingerprints. If tactically safe, leave all evidence where it is located until the arrival of the investigating officers.

(e) Coordinate the arrival of the responding personnel and establish a perimeter for the scene preservation and for the search of the outstanding suspects, if appropriate.

(f) Locate and identify witnesses to the shooting incident. Obtain good identification from any potential witnesses who observed or heard the incident.

(g) Refrain from writing anything pertaining to the shooting incident. Be prepared to briefly describe the incident with a responding supervisor (Public Safety Statement).

305.4.2 PUBLIC SAFETY STATEMENT

Based on research conducted by the California Police Officers Association, it is their legal opinion that a law enforcement supervisor has the duty to inquire about what occurred at the scene of an officer-involved shooting. While the involved officer(s) may invoke a right to representation as well as the right against self-incrimination regarding both the criminal and/or administrative aspects of the matter, the supervisor is entitled to certain answers to questions regarding safety issues. Typically, these questions would include the number and description of the outstanding suspects, location of evidence, and the direction the shots were fired. As a rule of thumb, questions which go to public safety and security of the scene must be answered on pain of insubordination. Note: If the officer requests a representative, the statement must be limited to a "Public Safety Statement."

An off-duty officer who has been involved in a shooting incident shall comply with all of the above. Additionally, consideration must be given to whether the shooting occurred within Santa Barbara City or within another law enforcement agency's jurisdiction. If outside the city, the officer shall notify the local law enforcement agency without delay and cooperate with their criminal investigation in a manner consistent with his/her rights as a police officer. The officer shall give a Public Safety Statement to the outside agency supervisor in command of the scene.

305.4.3 THE SHOOTING SCENE

The first supervisor at the scene of an OIS should maintain tactical control of the incident and ensure that the "Involved Officer Responsibilities" have been met. The supervisor should determine who the involved officers are and obtain a Public Safety Statement from the involved officer(s). Questions regarding the officer's tactics and state of mind shall be avoided.

Assign an uninvolved uniform officer to initiate and maintain a "Personnel at the Scene Log." Arrange for the witnesses to be transported to the station to be interviewed. If the suspect is pronounced dead at the scene, direct an officer to obtain the names of the paramedics and the person who pronounced death.

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Coordinate the search/apprehension of outstanding suspect(s). Make necessary notifications to the Watch Commander and request that a supervisor be assigned to the involved officers.

Direct the officers not to unload or reload their weapons; however, allow them to maintain control of their weapons until contacted by detectives. (Exception: If the supervisor believes that the officer committed a criminal act or violation of department policy, the officer's weapon shall be taken from him/her immediately and released to responding detectives.)

Ensure the shooting scene is secured and evidence is maintained in its original location. If evidence is picked up, do not replace it prior to the detective's arrival.

Direct an uninvolved officer to accompany and monitor persons transported to the hospital. (Note: Officers should document any pertinent statements made by wounded suspects and any dying declarations made by wounded officers). Officers may question the suspect regarding issues of public safety (location of weapon, outstanding suspects, wounded civilians, etc.). Questions outside of "public safety" may give rise to a Miranda issue.

Have the shooting officer(s) and witness officer(s) transported to the police station and advise them not to discuss the incident with each other. If the suspect is transported to a hospital, have an officer stay with the suspect. Instruct the officer to take the detailed notes of any voluntary spontaneous statements that the suspect(s) makes. Ensure the officer obtains all the suspect's clothing and medical information including the attending physician's name and treatment provided.

305.4.4 THE SUPERVISOR ASSIGNED TO THE OFFICER(S)

Stay with the officer(s) and maintain a calming atmosphere. Officers should be allowed to provide for their personal needs and generally should not be placed in a suspect interview room.

Do not allow the officers to discuss the incident with each other. Except for the officer's designated representative, the officers shall not be allowed to discuss the incident with anyone prior to the arrival of the assigned investigators.

Do not give policy opinions to the involved officers regarding the shooting incident. Supervisors should attempt to be supportive and reassuring without providing opinions regarding tactics or Use of Force policies.

Do not let the involved officers write anything or address others officers regarding the shooting incident.

Have them telephonically notify their families that they are okay and will most likely be working overtime.

305.4.5 THE WATCH COMMANDER'S RESPONSIBILITIES

Ensure that the "Supervisors Responsibilities" have been met.

First, notify the affected Division Commander and the Chief of Police. Next, notify the detective lieutenant and/or sergeant and request assistance. Notify the public information officer and a member of the POA Board of Directors. Maintain an incident log including notifications.

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If a supervisor has not been assigned to the involved officers, ensure that a supervisor or designee is accompanying the officers to assist with personal needs or notifications. (Note: the supervisor or designee should not discuss the shooting incident with the involved officers, as the supervisor or designee could possibly become a witness.)

Although the watch commander is usually the ranking officer on duty at the time of most shootings, his job is not to control the investigation but rather to ensure that the function of the department is not hampered by the inevitable confusion that follows most officer involved shootings. To this end, he should ensure that adequate street deployment is maintained and assist in securing resources or personnel for the investigation.

305.5 PRESS RELATIONS

In all cases of officer involved shootings or serious injury events, officers should refrain from discussing circumstances of the shooting. The on-duty Watch Commander should relate to the media what has occurred without giving specifics as to the officers, victims or outstanding suspect's name or identification. Any statements beyond a brief synopsis of what has occurred should be referred to the Press Information Officer (PIO) immediately.

The following example would be a sufficient response for our initial reply to the media. A more detailed response can be formulated by the PIO at a later time.

"Officers from the Santa Barbara Police Department responded to a burglary alarm in the 200 block of East Carrillo Street. Officers were confronted by an unknown suspect(s) and a shooting occurred. At this time, we are unable to release more specific information on what occurred; however, the PIO will be responding to the police department to address specific questions."

Any statements regarding the suspect should be saved for the PIO's release, unless that suspect is outstanding, or possibly armed, and poses a threat to the public's safety.

It will be the policy of this agency to not release the identities of involved officers and will be released by the Chief of Police only. Moreover, no involved officer shall be subjected to contact from the media [Govt. Code § 3303(e)] and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a Division Commander.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.6 INVESTIGATIVE RESPONSIBILITY

All officer involved shootings and LEARDS will be investigated by the Investigative Division or designee selected by the Chief of Police. All related departmental reports except administrative and/or privileged reports will be forwarded to one designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander

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The primary purpose of the Criminal Investigation is to record, in a timely manner, a factual accounting of the incident and prepare for the successful prosecution of any criminal suspect related to the incident. The Administrative Investigation will investigate and document facts to be used in the consideration of SBPD policy issues. All reports and information obtained in the criminal investigation will be made available to the Internal Affairs supervisor conducting the administrative investigation.

Generally, the criminal investigation precedes any administrative investigation. The assigned investigators have the primary responsibility for conducting the investigation and interviewing all involved or witnessing officers and other concerned parties. The investigators will comply with all applicable provisions of the Penal Code, Government Code 3300 et Seq, and current court decisions.

305.6.1 INVOLVED VS WITNESSING OFFICER

An Involved Officer is an officer who uses or directs the use of force contemporaneous with the Use-of-Force incident.

A Witnessing Officer is any non-involved officer who is present and witnesses the Use of Force incident, or any officer who discusses the incident with an involved or witnessing officer.

The investigative report will contain all findings, officer statements, witness statements, physical evidence reports, diagrams, and other supporting documents developed during the investigation. It shall be conducted in as complete, detailed, objective, and thorough a manner as possible, comparable to a homicide investigation. The nature of the incident will dictate the procedures used in the investigative process and may include some or all of the following:

- (a) Thorough scene inspection for identification and collection of evidence.
- (b) Complete set of photographs identifying evidence, injuries, damage, lighting conditions, and field of view.
- (c) Completion of accurate, detailed crime scene diagram suitable for witness interviews and court presentation.
- (d) Videotaping crime scene, witness statements, and re-enactment.
- (e) Submission of firearms of suspect(s,) involved and/or witness officers to DOJ for ballistic work.
- (f) Having involved and/or witness officers walk through the scene to identify evidence, determine the physical parameters of the scene, and establish the positions of officers, suspects, and any other involved parties at the time of the use of force.
- (g) Fingerprint work up of any relevant evidence including firearms, weapons, vehicles, or any other objects.
- (h) Examination of trace evidence, footprints, blood, or anything that tends to identify that a particular person was at a specific location at a certain time.
- (i) Obtaining a blood or urine sample. When an officer is involved in a shooting, sobriety may become an issue in the investigation, subsequent review, or civil litigation. Involved officers will be asked to provide a blood or urine sample for alcohol and drug content analysis. The

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sample will be obtained with the officer's consent and used to establish his sobriety at the time of the incident. Declining to provide a blood or urine sample upon request may be used in a later court proceeding to support an allegation that the officer was under the influence of drugs or alcohol at the time of the incident. If there is probable cause to believe the officer committed a crime, then established rules of evidence collection apply. Experience has shown that these tests tend to exonerate the officer and prevent future claims of intoxication.

If evidence suggests that an involved officer may be responsible for a criminal act, the senior investigator shall immediately contact the Investigative Lieutenant and Captain, who shall in turn notify the Chief of Police.

305.6.2 WALK THROUGH

Following a shooting or leards incident, an involved or witnessing officer may request to return to the incident scene in order to do a walk-through prior to providing a statement. the purpose of the walk-through is to determine the physical parameters of the scene, the positions of the officer(s), suspects, and any other involved parties at the time of the use of force. if not allowed to view the scene, the involved or witnessing officer(s) may experience difficulty in explaining what happened during the incident.

Walk-throughs are strongly recommended and should be utilized unless circumstances prevent their usage. If a walk-through is not conducted the investigating officer will address the decision not to conduct a walk-through in their report. If the investigative supervisor determines that a walk through is appropriate, the involved and/or witnessing officers shall be brought back to the scene by a supervisor or his designee. Walk-throughs shall be conducted individually. Only the involved or witnessing officer, the investigator and the investigative supervisor shall be present during the walk-through. If an officer has opted to provide a CFS statement, any statements made by the officer during the walk-through, or questions asked of the officer during the walk through shall conform to the elements of a CFS statement and shall not be broader in scope. At the conclusion of the walk-through, officers will be taken back to the station where their statements will be taken.

305.6.3 OFFICER INTERVIEW

Preparing for the Interview - The investigator assigned to take a statement from an officer shall be responsible for locating a private room in which the interview can be comfortably conducted free from distractions. All officers shall be interviewed separately. Prior to beginning the interview, an investigative supervisor, or ranking officer, shall ensure the officer has an understanding of both the investigative process (including CFS and voluntary statements), as well as the administrative review process.

Each involved/witnessing officer shall be given a reasonable opportunity to have a representative of his choice (excluding involved/witnessing officers) present during the interview, and shall have the right to confer with a representative prior to and during the interview. All applicable provisions of Government Code Sections 3300 et seq (see Appendix' A & B) shall be complied with. The representative may not interfere with the investigation. The officer(s) will be allowed to obtain food, coffee, etc. and attend to personal needs prior to and/or during the interview if necessary. All interviews shall be tape recorded.

305.6.4 OBTAINING STATEMENTS FROM INVOLVED/WITNESSING OFFICERS **Soliciting an Officer's Statement**

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" During the investigation of officer involved shootings or LEARDS incidents, involved or witnessing officers may be interviewed by an assigned investigator, an investigative supervisor, or both. The officer being interviewed may have the representative of his choice present during the interview. Prior to the interview, the officer shall be asked to choose between providing a compelled factual summary (CFS) or voluntary statement.

Purpose of CFS statements - the central purpose of a CFS statement is to, in a timely manner, determine what happened during an officer involved shooting or l.e.a.r.d.s. incident. cfs statements should provide sufficient information to the district attorney's office to support any criminal filing related to the incident, and/or to support review proceedings required by law (e.g., was the shooting a justifiable homicide). The CFS statement should contain only the minimum information necessary to establish such elements as: probable cause that a crime was committed, the corpus of the crime, and/or other information necessary to file criminal charges. Following such incidents, any involved or witnessing officer(s) may be required to provide a cfs statement regardless of whether or not a criminal filing is imminent. Shooting incidents in which there is no death, injury, or criminal filing anticipated, may appropriately be referred directly to the chief of police for an administrative investigation after an incident report has been taken.

Obtaining Compelled Factual Summary (CFS) Statements " If the officer elects to provide a CFS statement, a ranking supervisor shall firstly explain the elements of a CFS statement. The ranking supervisor shall then give the officer being interviewed the Lybarger and Miranda rights admonishment. The officer will then be provided with the opportunity to explain what occurred in his/her own words in a narrative format. Any follow-up questions by the investigator shall conform to the elements of a CFS statement and will not be broader in scope. The statement shall be tape recorded.

305.6.5 COMPELLED FACTUAL SUMMARY (CFS) STATEMENT

A CFS statement should contain only the minimum information necessary to establish what happened during an OIS or LEARDS incident, and should be limited to such elements as: probable cause that a crime was committed, the corpus of the crime, and/or other information necessary to file criminal charges. A CFS statement may not be used by the District Attorney's Office to prosecute the officer who provides the statement.

(a) A CFS statement will include such personal actions and observations as:

1. What the officer did and said during the incident (only as it relates to establishing probable cause, crime corpus, and/or support for criminal filing)
2. The officer's best estimate of when events occurred
3. Where the officer was when events occurred
4. Who the officer observed during the incident
5. What the officer saw others involved in the incident to do
6. What the officer heard during the incident

(b) A CFS statement will not include such details as:

1. Tactics employed by the officer(s)
2. Training issues

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3. Equipment utilized (e.g., type of weapon or rounds)
4. Rationale for the level of force/equipment utilized
5. Conclusions or opinions (e.g., threat level assessment)
6. Justification or reason for actions taken (e.g., state of mind)
7. Other issues related to the potential violation of Department Policy

305.6.6 PROVIDING A VOLUNTARY STATEMENT

If an involved or witnessing officer specifically requests to make a voluntary statement, the criminal investigator will consult with the supervisor overseeing the investigation. Prior to taking a voluntary statement, the supervisor will ensure that the officer wishing to give the voluntary statement understands: 1) he is waiving his rights under Miranda; 2) that he has the option of giving a CFS statement; 3) that he has the right to obtain or consult with legal representation or a representative of his choice (excluding other involved or witnessing officers) prior to providing the voluntary statement. Officers providing voluntary statements will also be afforded the opportunity to do a walk through prior to providing such statements in the same manner, and subject to the same conditions afforded officers providing CFS statements, except that statements made and questions asked during the walk-through may be broader in scope.

A voluntary statement is an involved or witnessing officer's account of a shooting or other incident in which a law enforcement related action results in a death or serious injury. Unlike a CFS statement, a voluntary statement is freely given and as such may be used by the District Attorney's Office to prosecute the officer giving the statement if circumstances warrant such prosecution. A voluntary statement may include such elements as tactics, threat level assessment, etc.

When deciding whether or not to provide a voluntary statement, an officer may want to consider whether or not providing information beyond that normally necessary for a criminal filing would better enable the District Attorney's Office to more accurately assess criminal culpability, or lack thereof. For example, in certain instances an officer's voluntary statement may include such information as the officer's level of threat assessment and why the officer took the action that was taken. This additional information, if provided outside the constraints of a CFS statement, may assist the District Attorney's Office in more expeditiously determining whether or not the officer acted reasonably and should therefore not be the focus of any potential criminal prosecution.

Sequence of Obtaining Statements / Exceptions "" Generally, voluntary or CFS statements should be obtained from witnessing officers prior to obtaining such statements from involved officers. If, prior to questioning, evidence suggests that an officer may be responsible for a criminal act, the officer shall be advised of his/her Miranda rights, and any questioning that occurs shall be subject to an appropriate admonishment and subsequent waiver of those rights (CFS statements will not be taken from officers suspected of committing a criminal offense). The District Attorney may decline to receive a CFS statement as part of a criminal filing if he deems that such acceptance may adversely affect potential criminal prosecution.

The investigating supervisor may delay or elect not to obtain a cfs from an involved or witnessing officer if the officer is injured and/or traumatized to the extent that he/she is incapable of providing such a statement.

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305.6.7 SCENE INVESTIGATION

The importance of a thorough scene investigation cannot be over emphasized. Physical evidence is the cornerstone of any investigation and supports or refutes statements from officer and civilian witnesses. The detective assigned the investigative responsibility for the scene shall have access to all available Department resources (CSI, Forensic Science Unit, DOJ Crime Lab, etc) to thoroughly document items of evidentiary value. Photographs and measurements shall be taken in all cases. All evidence shall be booked into property without unnecessary delay, and the chain of evidence shall be strictly observed. The CSI officer or evidence technician who collected the evidence shall have the responsibility for booking it.

305.6.8 REPORTING FORMATS THE INCIDENT REPORT.

The Use of Force incident shall be documented on a Santa Barbara Police Department Crime/Incident Face Sheet and the Use of Force Form. The investigation shall remain sealed and confidential until otherwise directed by the Chief of Police.

THE REPORT NARRATIVE.

The narrative may include some or all of the following topics reported by one or more of the investigators assigned to the case.

Notifications

Record the date and time the investigating officers were notified of the incident.

The Summary

Provide the reader with a brief overview of the incident. Include the major events which led up to the Use of Force incident, the actual incident itself, and all other pertinent facts. The summary need not address specific details of the incident as they will be addressed in the officer's statement portion of the report.

Include the name, rank, and body number of all involved officers and indicate whether the officers were in uniform or plainclothes, and if the officers utilized marked or unmarked police vehicles.

The Scene Description

Provide a description of the physical layout of the shooting location and the immediate surroundings.

The weather and lighting at the time of the Use of Force incident shall be described in this section.

Statement of Officer(s)

Include statements of all involved and witnessing officers and whether the statements were voluntary or compelled.

Each officer shall be interviewed and tape recorded at the direction of the investigative supervisor assigned to the incident. Any admonishments shall be included in the tape recording. (See "Officer Interview" section.)

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Injuries

Describe all injuries and/or wounds for each person (including officers) in separate paragraphs.

Document all medical records which are available.

Document the Coroner's Report, and if available, in this section.

Record the results of any Gunshot Residue (GSR) in this section as well.

Weapons

Describe any weapons used by the suspects and include any pertinent information such as ammunition used, latent fingerprints, and condition of the weapon. Include gun ownership information.

Describe the officer's weapon, including the type of ammunition, and a description of the holster. If a holster was not used, describe where and how the weapon was carried. Describe any modifications to the weapon (grips, trigger pull, sights, etc.).

A separate paragraph shall be written describing the officer's shooting background, the officer's shooting stance, the number of rounds fired, the shooting distance, and the direction of fire. The location from where the expended rounds were recovered shall also be documented.

State who conducted the crime scene investigation and what ballistic evidence (expended casing, slugs, impacts, etc.) was recovered. Also include any results of DOJ crime lab tests that were conducted on the weapon, clothing, or other ballistic tests.

Personnel at the Scene

List those persons who were assigned specific duties at the shooting scene and include a complete list of all persons who were present at the scene.

The first supervisor at the scene should be documented in this section along with the name of involved officer's watch commander.

Suspect

Recorded suspect information in this section, including criminal history, parole or probation information, CII, social security, FBI, and driver's license numbers. This suspect's physical description and current address should be documented.

If the suspect is interviewed, record his statement in this section. (Ensure the statement is tape recorded.)

Include specific information on the suspect's arrest, criminal investigation, filing and subsequent court action, if available.

Evidence

Describe the type of evidence booked relative to the incident. If appropriate, the person recovering the evidence and the location the evidence was recovered should also be documented in this section.

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If not previously documented, describe the results of any scientific or forensic analysis performed by DOJ crime lab or other private labs.

Vehicles

Describe ownership, DMV information, and disposition of all vehicles involved in the incident.

Bullet damage to the vehicle should be documented in the "Weapons Section."

Civilian Witnesses

Interview and tape record all civilian witnesses to the Use of Force incident. If possible, interview the witness at the station. These statements may be used in both criminal and administrative investigation.

The statements do not need to be transcribed but a written synopsis of the statement shall include all the elements of the Use of Force incident which are pertinent to the investigation.

Communications

Include the CAD printout of the incident and the location of the dispatch tapes of the incidents.

The on-duty dispatchers and the voices of the dispatchers heard on the tape shall be listed in this section.

Related Documents

List all related reports or documents (traffic collision report, crime reports, arrest reports, etc.)

Diagrams

Include a diagram for all shooting incidents. The diagram need not be to scale; however, a computerized autodrawing program should be utilized whenever possible.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer involved shooting, this agency will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Sergeant in charge and will be considered a confidential peace officer personnel file.

The Administrative Investigation will start at the direction of the Chief of Police. Every officer involved shooting or critical incident will require an Administrative Investigation. All discharge of firearm incidents will result in an immediate investigation pursuant to Section 4/250.10 of the Santa Barbara Police Department Manual.

The Administrative Investigation shall be conducted in such a manner to ensure the Criminal Investigation and Administrative Investigation are completely separate. The supervisor normally assigned to an Administrative Investigation will be the Inspection & Control Sergeant. Information obtained during the Criminal Investigation will be forwarded to the Inspection & Control Sergeant. Information obtained during the Administrative Investigation shall not be shared with those conducting the Criminal Investigation.

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The purpose of the Administrative Investigation is as follows:

- (a) Evaluate the incident to determine if the actions of those involved are within department policy and/or procedure.
- (b) To help in the evaluation of the agency/officer(s) civil liability.
- (c) To examine the incident for training needs.

To properly start the Administrative Investigation the Inspection & Control Sergeant will obtain available reports, statements, review evidence, and visit the crime scene. The investigative steps used by the Inspection & Control Sergeant during the Administrative Investigation may vary depending upon the nature of the incident. In an Administrative Investigation a "civil standard" is the preponderance of the evidence. Since the Administrative Investigation usually follows the criminal investigation, most Administrative Investigations may not start until several days after the initial incident. There may be situations when the Administrative Investigator conducts interviews the day of the incident. There are numerous factors that affect the starting time of the Administrative Investigation. The Chief of Police will review those factors and it will be his/her decision as to when the Administrative Investigation takes place in relationship to the criminal investigation. The supervisor conducting the Administrative Investigation should prioritize tasks in order to conduct a thorough and timely investigation, keeping in mind that those involved in critical incidents are usually undergoing stress, anxiety, and other physical and emotional conditions. The Inspection & Control Sergeant, when first contacting the officers involved, will determine if they have elected to have a representative present during the interview or if they wish to proceed without one. The Inspection & Control Sergeant will be responsible for scheduling interviews. The time of the interviews with those officers involved may vary and will depend upon numerous factors including the seriousness of the incident.

The guidelines for the Administrative Interview are delineated under the Peace Officers' Bill of Rights (AB301) and Government Code 3303. The interview will normally take place in the Inspection & Control Office, and pursuant to the above-mentioned rights the officer may have an employee representative, attorney, or elect not to have anyone present during these interviews. However, the officer must answer the Inspection & Control Sergeant's questions and the officer may be disciplined for refusing to answer the questions truthfully. The officer being interviewed may tape record the interview. Prior to the interview, the officer will be provided a copy of the Peace Officers' Bill of rights (AB301) and the Lybarger Admonishment. All statements obtained after the Lybarger Admonishment are to be considered compelled statements.

The Inspection & Control Sergeant will finalize the Administrative Investigation Report. This report is sent to the Chief of Police for review. Officer involved shootings will be reviewed by the Shooting Review Board. This board will render a summary and conclusion. The focus of the Shooting Review Board is to determine if the shooting was within department policy and/or procedure. All reports completed by the Inspection & Control Sergeant, during this Administrative Investigation, will be kept for five years. The release of a confidential Administrative Investigation Report is restricted by various California Evidence Codes, Penal Codes, Government Code 3303, Federal Court Order, Pitchess Motions, In Camera Hearings and/or by the approval of the City Attorney's Office.

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.

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305.8 RESPONSE TO SCENE

The Chief of Police may assign the Inspection and Control supervisor to investigate a LEARDS related incident. The Inspection and Control supervisor, as part of the investigation, will respond to the scene. The purpose is to provide the Chief of Police with a thorough administrative internal investigation. The City Attorney may become involved in LEARDS incidents and will often depend upon the Inspection and Control to describe the scene. The communication between the Inspection and Control office and the City Attorney's office is considered to be a confidential client communication/attorney work product. The Inspection and Control supervisor may ask for additional Crime Scene Investigator work to be completed, at the LEARDS scene.

305.9 CIVIL LITIGATION COORDINATION

The Inspection and Control supervisor will assist the Deputy City Attorney who is assigned the civil action, which involves the Santa Barbara Police Department. Included in this responsibility is the role of coordinating depositions, accepting subpoenas, reviewing evidence, scheduling of officers to meet City Attorney needs, etc. All requests that are civil in nature when associated with a LEARDS incident will be processed through the Inspection and Control office. All documents concerning policy, procedure, training, and orders shall be released through the Inspection and Control office. Officers who are requested to give a statement to attorneys involved in civil litigation shall contact the City Attorney's Office before agreeing to an interview. The City Attorney will review the request for an interview and advise the officer if they can meet with the attorneys.

Leg Restraint Device

306.1 PURPOSE AND SCOPE

When an officer deems it reasonable to restrain the legs of a violent or potentially violent person during the course of detention, arrest and/or transportation, only the department-approved restraint device will be used, and only in the manner approved for such temporary immobilization of the legs.

306.2 USE GUIDELINES

In determining whether to use the Ripp Hobble restraint, officers should consider the following:

- (a) Is the officer and/or others subject to harm due to the assaultive behavior of a violent, resisting and/or attacking suspect;
- (b) Is it reasonable to protect the suspect from his or her own actions which would place him or her in danger, i.e., hitting his or her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers.
- (c) The Ripp Hobble restraint shall be used only after a person has been handcuffed.

306.3 PROCEDURE

The Ripp Hobble is designed to prevent injury to the person in custody or another person, or to prevent property damage caused by the person in custody using their legs in a manner likely to result in injury or damage. Only those officers trained in the use of the hobble restraint are authorized to employ it on any person. The Training Police Tech will provide for recurrent training on the proper use of the Ripp Hobble on an annual basis. The following guidelines shall be used when applying the Hobble Restraint:

- (a) If practical, officer(s) should notify a supervisor of the intent to apply the hobble restraint. In all cases, a supervisor shall be notified as soon as practical after the application of the hobble restraint.
- (b) In most instances when the Ripp Hobble is used, the officer will use the technique in which the suspect's legs are bound and immobilized. Under aggravated circumstances and only with the prior approval of a supervisor, the subject may be hobbled with the device clipped to the handcuffs where both the hands and feet are restrained by the device. These are the only two authorized techniques when using the Ripp Hobble.
- (c) The suspect shall not be left immobilized on his/her stomach as this reduces the free flow of air to the lungs.
- (d) The suspect should be constantly watched by an officer while in the restraint. The officer is to ensure the suspect does not roll onto his/her stomach.
- (e) The officer shall look for signs of labored breathing.

306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on

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Leg Restraint Device

detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.3.2 TRANSPORTING HOBbled SUSPECTS

When transporting a suspect(s) who has been restrained, officers shall observe the following procedures:

(a) Suspects who are hobbled only by their feet and can sit upright may be transported in a police car. They shall be seated in an upright position and secured by a seatbelt. The long lead of the restraint will be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground. When the suspect cannot be transported in a seated position he/she shall be taken by ambulance/paramedic unit.

(b) When taken by ambulance/paramedic unit, the suspect shall be accompanied by a sworn officer.

306.3.3 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.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

306.3.4 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.

306.3.5 NOTIFICATIONS

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

306.4 DOCUMENTATION

Anytime the hobble is used, the circumstances requiring the use shall be documented in the related report(s). The officer should include the following in the report:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's physical and physiological actions.
- (d) Any known or suspected drug use or other medical problems.

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306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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

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

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

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

306.7 REQUIRED DOCUMENTATION

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

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

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

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308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to officers and suspects, the Department authorizes the use of selected control devices. Certain control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to officers and suspects. The below procedures are for the use and maintenance of control devices (i.e. baton, oleoresin capsicum spray, tear gas, and extended range impact weapons).

308.1.1 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, an approved control device may only be used when its use appears reasonable under the circumstances.

308.2 BATON GUIDELINES

The baton is authorized for use when, based upon the circumstances perceived by the officer, such force reasonably appears justified and necessary to result in the safe control of the suspect.

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

308.2.1 ASP BATON GUIDELINES

The ASP Baton is authorized for Animal Control Officers only.

308.2.2 CROWD CONTROL BATON

The crowd control baton, wood, 36," shall be employed at the direction of the Incident Commander, Watch Commander or their designee in crowd control situations in the event of or to prepare for individuals exhibiting violent behavior or refusing to disperse after a lawful order. Only officers trained in the use of the 36-inch baton are authorized to use the baton.

308.2.3 AUTHORIZED BATON

- 1- The police baton, wood 26" 14-20 ounces.
- 2- Monadnock 24" collapsible 24 ounce.
- 3- Monadnock Autolock collapsible 26" 22.5 ounce.

308.3 TEAR GAS GUIDELINES

The use of tear gas for crowd control, crowd dispersal or against barricaded suspects shall be based on the circumstances. The Watch Commander, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary to result in the safe control of the suspect(s). When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing

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medical aid or gas evacuation when the scene is safe. Only officers or supervisors trained in the use of tear gas weapons should discharge such devices at the scene.

308.4 CHEMICAL AGENTS SPRAY GUIDELINES

Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

308.4.1 REQUIRED INSTRUCTION FOR USE

All personnel authorized to carry oleoresin capsicum spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

308.4.2 CARRYING OF OLEORESIN CAPSICUM SPRAY

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

Canisters involved in any type of malfunction or damage shall be turned in to the Rangemaster for exchange. Damage to City Property forms shall also be forwarded to the appropriate supervisor and shall explain the cause of damage.

308.4.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the 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.

308.4.4 REPORT OF USE

All uses of chemical agents shall be documented in the related arrest/crime report and on the Use of Force Data Summary form.

308.5 EXTENDED RANGE IMPACT WEAPONS

Extended range impact weapons, sometimes referred to as less-lethal kinetic energy weapons, are those devices that discharge kinetic energy munitions utilized for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury. These munitions provide a low lethality response where force is authorized but lethality is undesirable.

The utilization of extended range impact munitions can assist in achieving the goal of protection of life and property. They should be considered whenever the use of a less-lethal force option would assist in facilitating an arrest, restoring order, and reducing the risk of more serious injury.

The use of an extended range impact weapon is appropriate in those situations where the use of the police baton would be a reasonable force option. When the distance is too great to effectively utilize a baton, and closing the distance would expose officers to unnecessary

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risk, an extended range impact weapon should be considered. Circumstances justifying the use of these munitions include, but are not limited to:

- (a) Safely controlling violent persons;
- (b) Restoration or maintenance of order during civil disturbances after an order to disperse has been given;
- (c) Subduing/diverting vicious animals; and
- (d) Situations where they are deemed necessary to safely resolve the incident.

308.5.1 TYPE OF MUNITIONS

The Department uses the following extended range impact munitions: (a) Defense Technology/Federal Laboratories (Def-Tec) Drag Stabilized Bean-Bag round (b) Def-Tec 12-gauge rubber pellet round (or its equivalent) The deployment shotgun is a Remington 870, which has been painted to identify it for bean bag/rubber pellet use only. It is identified by the stock which is painted bright yellow. The Department may employ 37/38 mm launchers manufactured by Defense Technology, Inc., Sage Control Ordinance (Sage CO) and Federal Laboratories, Inc. to deploy the following less-lethal munitions: Def-Tec Model 27A Stinger pellet cartridge (or its equivalent) Def-Tec Model 20F foam baton round cartridge (or its equivalent)

308.5.2 STORAGE AND LOADING OF WEAPONS

The beanbag shotguns shall be stored in the Department Armory. Qualified officers shall check the shotguns out at the beginning of their shift and return them to the Armory at the end of their shift. In the Armory the beanbag shotguns shall be stored in a case labeled "Beanbag Shotgun". The weapon will be stored unloaded with the action open. Prior to the beginning of the shift, the officer will conduct a safety check of the shotgun and the bean bag rounds. After this check is completed, the officer will load 4 bean bag rounds into the magazine and place the safety in the "on" position. There will be no bean bag round chambered while the weapon is being carried in the trunk of the vehicle. The side saddle will also contain 6 extra bean bag rounds. Additional bean bag rounds may be stored in the carrying case. At the completion of the shift, the officer will unload the weapon and place it back into the armory. All bean bag rounds that are unloaded from the weapon will be placed in the case.

(a) Storage of 37/38 mm Launchers: 37/38 mm extended range impact weapons and munitions shall be stored in the Department SWAT locker and/or armory.

(b) Deployment Authorization for 37/38 mm Launchers & Munitions " 37/38 mm and 12 gauge rubber pellet extended range impact weapons and munitions shall be utilized at the direction of the Incident Commander, Watch Commander or their designee

308.5.3 DEPLOYMENT PROCEDURES

(a) The close range 12 gauge round should generally be deployed at distances of 10 feet to 50 feet.

(b) The decision to deploy extended range impact projectiles will be evaluated on a case-by-case basis contingent upon the criteria of accuracy, effectiveness, and potential for causing serious physical injury or death.

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(c) Accuracy is the primary consideration since proper shot placement greatly assists in controlling both of the other criteria. Accuracy will be evaluated based upon anticipated range of deployment and interposing mediums.

(d) Effectiveness is the present capacity of the projectile to produce the desired effect of causing incapacitation or reducing the ability of the person to continue his inappropriate behavior.

(e) Deployment Distances for Def-Tec Drag Stabilized 12 Gauge Bean Bag Rounds: 1. 0-10 feet. Should not be deployed unless deadly force is warranted, or officer or public safety is at immediate risk. Exercise caution and target only the lower extremities. 2. 10-20 feet. Exercise caution and target only the lower extremities unless deadly force is warranted, or officer or public safety is at immediate risk. 3. 20-30 feet. Deploy at lower extremities unless deadly force is warranted, or officer or public safety is at immediate risk. 4. 30-60 feet. Deploy at upper abdomen or lower unless deadly force is warranted, or officer or public safety is at immediate risk. Beyond 60 feet, energy and accuracy may not be sufficient for deployment considerations. 5. 37/38 mm and 12-gauge rubber pellet extended range impact weapons munitions are to be "skip-fired" primarily in crowd control situations where individuals are exhibiting violent behavior or refusing to disperse after a lawful order.

(f) When engaging a person with extended range impact munitions, the officer should evaluate the effectiveness of each round fired. Compliance or incapacitation is the desired objective. Alternative munitions, target areas, or force options should be considered if rounds fired appear to be ineffective.

(g) Generally, kinetic energy munitions should not be utilized absent cover officers and a tactical plan in place. Additionally, it is also desirable to have a supervisor present when these munitions are utilized.

(h) Except in extreme circumstances, extended range impact munitions should not be utilized in cases where a person is in danger of falling from a significant height. Projectiles should be delivered to a person's target areas based on the circumstances at hand and the level of force justified.

(i) Contact areas for the deployment of extended range impact munitions are established based upon potential for injury: 1. The potential for serious injury, as well as the potential for submission, is less when a person's extremities are targeted. 2. The potential for serious injury is greater, as is the potential for submission, when areas of the torso are targeted. 3. Intentional impacts to the head and neck should be avoided except where the use of deadly force is justified, necessary, and appropriate.

308.5.4 MEDICAL TREATMENT

Any subject struck with a bean bag round shall be transported to a hospital emergency room for examination by a doctor and a medical clearance in accordance with Section 4/212.05. If booked at County Jail, jail personnel shall be advised the subject was hit with a bean bag round. Medical treatment is not required when a person is struck by a 37/38 mm extended range impact weapon munitions except where significant injury is obvious.

308.5.5 REPORTING REQUIREMENTS

In addition to regular reports, a Use of Force Data Summary form shall be filled out any time a beanbag round is actually fired, whether or not a subject was hit. Photographs of the impact area shall be taken whether or not an injury is visible.

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308.5.6 TRAINING

Only Department personnel who have successfully completed a Department approved training course in the use and deployment of extended range impact weapons and munitions shall be authorized to use them during actual field operations. These personnel shall be re-certified annually.

308.5.7 TRAINING REQUIRED FOR USE

Personnel who have successfully completed an approved departmental training course shall be authorized to use kinetic energy projectiles. Officers deploying kinetic energy projectiles will complete an annual recertification through the Rangemaster.

308.6 TEAR GAS GUIDELINES

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

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

308.6.1 WATCH COMMANDER'S RESPONSIBILITIES

The on-duty Watch Commander shall monitor the use of control devices in the same manner as all other use of force incidents.

(a) The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training. The request for a control device should be made through the on-duty Watch Commander.

(b) The on-duty Watch Commander shall review each use of control devices by any personnel within his or her command.

(c) The on-duty Watch Commander shall ensure briefing training on the use of control devices is provided as needed.

308.6.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and shall issue all control devices. All damaged, inoperative and/or expended control devices shall be returned to the Rangemaster for disposition, repair or replacement.

308.6.3 MAINTENANCE RESPONSIBILITY

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

308.7 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual § 300.4 and 300.5.

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308.7.1 OC SPRAY

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

308.7.2 CARRYING THE TASER

When properly applied in accordance with this policy, the TASER device is considered a nondeadly control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

Personnel who have completed department approved training are authorized to carry a TASER device while on duty. Uniform officers shall carry TASER devices as part of their standard uniform equipment in an approved holster. When in the field, non-uniform officers may carry the TASER device in an approved holster or keep it secured in their vehicle so it is readily accessible at all times.

(a) When the TASER device is carried, it shall not be carried on the same side as the officer's duty weapon.

(b) All TASER device devices shall be clearly and distinctly marked to differentiate them from the officer's duty weapon and any other device.

(c) Officers shall be responsible for insuring that their issued TASER device is properly maintained and in good working order at all times. TASER devices shall be tested with the TASER device pointed down with a safe backdrop only. TASER devices should not be tested in public or in view of the public unless circumstances dictate an immediate need for testing.

(d) Officers should refrain from holding both a firearm and a TASER device at the same time unless lethal force is justified.

(e) Officers shall only use TASER devices and cartridges that have been issued by the department.

308.7.3 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 deploying a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

The use of a pepper projectile system is subject to the following requirements:

- (a) 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 deployments where the suspect has been hit. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.
- (b) Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not

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the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident deployments, such as training and product demonstrations, are exempt from the reporting requirement.

308.7.4 VERBAL AND VISUAL WARNINGS

Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the TASER device shall precede the application of a TASER device in order to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply
- (b) Provide other officers and individuals with warning that a TASER device may be deployed. If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with an officers' lawful orders and it appears both reasonable and practical under the circumstances, an officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the TASER device) or 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 their vision. The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

308.7.5 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.

308.7.6 APPLICATIONS, LIMITATIONS AND RESTRICTIONS

As with any law enforcement equipment, 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 TASER device. Although the TASER device rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such a failure. Authorized personnel may use a TASER device when circumstances known to the individual officer at the time indicate that the application of the TASER device is reasonable to subdue or control:

- (a) A violent or physically resisting subject, or
- (b) A potentially violent or physically resisting subject if: 1. The subject has verbally or physically demonstrated an intention to resist^{3/4} and 2. The officer has given the subject a verbal warning of the intended use of the TASER device followed by a reasonable opportunity to voluntarily comply^{3/4} and 3. Other available options reasonably appear ineffective or would present a greater danger to the officer or subject.
- (c) Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the TASER device to any of the following individuals:
 - 1. Pregnant females^{3/4}
 - 2. Elderly individuals or obvious juveniles^{3/4}

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3. Individuals who are handcuffed or otherwise restrained^{3/4}
 4. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material^{3/4}
 5. Passively resisting subjects^{3/4}
 6. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles, etc.)
- The TASER device shall not be used to torture, psychologically torment or inflict undue pain on any individual. The use of the TASER device will require compliance with all Department use of force requirements.

308.7.7 MULTIPLE APPLICATIONS OF THE TASER

If after a single application of the Taser, an officer is still unable to gain compliance from an individual and circumstances allow, the officer should consider whether or not the Taser device is making proper contact, the use of the Taser is limiting the ability of the individual to comply or if other options or tactics may be more appropriate. However, this shall not preclude any officer from multiple, reasonable applications of the Taser on an individual.

308.7.8 REPORT OF USE

All Taser discharges (field applications) shall be documented in the related arrest/crime report, use-of-force form and Taser use form. Outside of training and testing, all discharges of a Taser cartridge, including accidental discharges will be documented on the Taser use form. Any report documenting the discharge of a Taser cartridge will include the cartridge's serial number and an explanation of the circumstances surrounding the discharge. The on duty supervisor will be responsible for collecting the information from on-board Taser memory. The data will be downloaded through the data port, and saved with the related arrest/crime report.

308.7.9 MEDICAL TREATMENT

Any person who has been subjected to the electric discharge of a Taser and/or struck by Taser darts shall be medically cleared prior to being booked. Individuals who have been subjected to the electric discharge of a Taser and/or struck by Taser darts and who are also suspected of being under the influence of controlled substances and/or alcohol should also be examined by paramedics or other qualified medical personnel as soon as practicable.

Further, any person struck with Taser darts or injured by a probe shall be treated by medical personnel as soon as practical after the incident. Only qualified medical personnel or Taser trained officers may remove the Taser darts from a person's body. Darts embedded in sensitive body parts (i.e. head, genitals, breast, etc.) will only be removed by medical personnel. Used Taser darts shall be considered a sharp biohazard, similar to a used hypodermic needle, and handled accordingly. When practical, the expended cartridge and darts will be booked into evidence.

308.7.10 RE-CERTIFICATION OF TASER USERS TRAINING

In addition to the initial department approved training required to carry and use a Taser device, any personnel who have not carried a Taser as a part of their assignment for a period of six months or more shall be recertified by a department approved Taser instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the department's Taser Instructor(s).

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308.8 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.

308.8.1 DEPLOYMENT

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

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

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

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

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

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted,

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except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

308.8.3 SAFETY PROCEDURES

Shotguns designated for the use of kinetic energy projectiles will be specially marked as such.

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

308.9 TRAINING FOR CONTROL DEVICES

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

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

308.10 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.

Mentoring Program

311.1 PURPOSE AND SCOPE

The purpose of this program is to offer encouragement, education, support, and improved relationships among all employees, civilian and sworn, which will result in higher employee retention, morale, productivity, and diversity. Selected members of the department will be trained and utilized as mentors to provide support and encouragement to other employees and promote successful career growth within the department. This is a voluntary program, with the exception that newly hired employees will be placed in the program for the duration of their probationary period.

311.2 MENTORS

311.2.1 DEFINITION

Somebody more experienced who provides guidance and support, and watches over and fosters the progress of a less experienced person. Mentors are the key component to a successful mentoring process. It is important that mentors are fully aware of the importance of their role and are committed to fulfilling their responsibilities. Mentors will be compensated for training and meetings scheduled by the Mentor Program Coordinator. Mentors will not be compensated for time spent with their protégé.

311.2.2 MENTOR QUALITIES

- (a) Desire to do the assignment
- (b) Strong work ethic
- (c) Positive attitude toward the organization and community
- (d) Strong interpersonal skills
- (e) Working or having worked in the same assignment as the protégé
- (f) Not directly supervising or assigned to train the protégé.

311.2.3 SELECTION PROCESS

- (a) Any non-probationary employee is eligible to participate in the program as a mentor.
- (b) An employee interested in becoming a mentor shall submit a memo of interest to his or her immediate supervisor for approval and recommendation.
- (c) Upon supervisor approval the memo of interest shall be forwarded through the employee's chain of command to the Mentor Program Coordinator.
- (d) The Mentor Program Coordinator will meet with the mentor candidate to discuss participation in the program.
- (e) The Mentor Program Coordinator will select the mentors for the program.
- (f) Employees selected to be mentors shall complete the Mentor Information Form supplied by the Mentor Program Coordinator.

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311.2.4 TRAINING

- (a) Employees selected to participate as mentors will be trained in the skills of mentoring.
- (b) All mentors will be required to attend mentor meetings as scheduled by the Mentor Program Coordinator.
- (c) After completion of initial training, mentors will be placed on the mentoring team and will be assigned protégés as needed.

311.2.5 DUTIES

- (a) Mentors shall contact the protégé to introduce themselves and explain the mentoring relationship.
- (b) Mentors should maintain periodic contact with the protégé to provide personal guidance and support in their current assignment and career development goals.
- (c) Mentors should provide guidance and support as opposed to making decisions for the protégé.
- (d) Mentors may opt to end their participation in the mentoring program at any time by contacting the Mentor Program Coordinator.

311.3 PROTEGE

311.3.1 DEFINITION

A person who receives help, guidance, and support from someone who has more experience or influence.

311.3.2 PROTEGE QUALITIES

- (a) Any employee is eligible to participate
- (b) Motivated to learn
- (c) Open-minded to new ideas
- (d) Desire to succeed

311.3.3 SELECTION PROCESS

(a) New Employees

1. As an integral part of recruiting, hiring, and training, each newly hired employee will initially be placed into the Mentoring Program where they will be paired with a mentor who has been trained in the skills of mentoring.
2. The business office will give new employees a "Protégé Information Form" at the time of their orientation.
3. The form will be completed at that time and forwarded to the Mentor Program Coordinator.
4. New employees may opt to end their participation in the program anytime after they have completed probation by contacting the Mentor Program Coordinator.

(b) Other Employees

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1. An employee interested in becoming a protégé shall submit a memo of interest to the Mentor Program Coordinator.
2. The employee will complete the "protégé information form" supplied by the Mentor Program Coordinator.
3. The Mentor Program Coordinator will meet with the protégé candidate to discuss participation in the program and mentor assignment.
4. Protégés may opt to end their participation in the mentoring program at any time by contacting the Mentor Program Coordinator.

311.4 MENTOR PROGRAM COORDINATOR

311.4.1 DEFINITION

The Training & Recruitment Supervisor shall be the Mentor Program Coordinator, responsible for administration and oversight of the employee mentoring program.

311.4.2 DUTIES

- (a) Supervise selection, assessment, matching and orientation of mentors and protégés.
- (b) Recruit, train and maintain the mentor pool.
- (c) Assign mentors to newly hired employees.
- (d) Schedule and conduct mentor meetings.
- (e) Distribute and collect mentor program evaluation forms to/from protégés in April and October each year.
- (f) Troubleshoot and evaluate the program.

311.5 PROGRAM EVALUATION

In April and October of each year, the Mentor Program Coordinator will distribute Mentoring Program Evaluation Form to protégés. The completed forms will be returned to the coordinator. The coordinator will set dates to meet with the mentors after the forms have been completed by the protégés. The coordinator will meet with the mentors to review the Mentoring Program Evaluation Forms completed by the protégés and evaluate the program. After the meetings in April and October, the Mentor Program Coordinator will meet with the Community Services Division Commander to report the status of the Mentoring Program.

311.6 CONDUCT GUIDELINES

- (a) The mentoring program and mentors are not to interfere with or undermine any personnel assigned to supervise or train probationary employees.
- (b) Mentors are not advocates for the protégés. Mentors shall not circumvent the chain of command on behalf of a protégé.
- (c) Mentors shall maintain professional relationships with their protégés.
- (d) If any issues arise that cannot be resolved between the mentor and the protégé, either one is encouraged to contact the Mentor Program Coordinator for assistance.

Firearms

312.1 PURPOSE AND SCOPE

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

312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, 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 personnel in the performance of their official duty without the express written authorization of the employee's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

312.2.1 DUTY FIREARMS

The Department issue firearms are:

- Smith & Wesson 9mm or .40 caliber semi-auto
- H & K .40 cal semi-auto
- Beretta .40 cal semi-auto
- Colt .223 (5.56) model 6721 A3 tactical patrol rifle

The following optional firearms are approved for on duty use:

- Smith & Wesson
- Beretta
- H & K
- SIGARMS
- Glock
- Para Ordnance
- Springfield Armory
- Kimber Colt
- Wilson

The optional firearm will meet the following criteria:

(a) The caliber is 9mm, .40 or .45 caliber with a minimum of six (6) cartridges and have a minimum barrel length of 3".

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(b) The firearm must be inspected and be certified for duty use by the Rangemaster or his designee. The firearm cannot be operationally modified beyond the manufacturer specifications. Grips, sights, and lights are authorized modifications or additions, as long as they do not void any manufacturer warranty or inhibit the reliable operation of the firearm. Laser, or other similar type, aiming devices are not authorized except when used on SWAT rifles. Rifles designated for SWAT Team use may be equipped with laser sighting systems as long as they do not void any manufacturer warranty or inhibit the reliable operation of the firearm.

(c) The officer must qualify with the firearm before using it on duty and show proficiency in the specifics to the make/model of the firearm.

(d) The selected firearm is to be carried in a holster suitable for uniform duty use. The holster shall be capable of being secured by a safety snap or strap. Holsters for plainclothes or non uniform detail maybe the type that retain the firearm by tension or other type of securing mechanism.

The Rangemaster and Firearm Instructors will ensure that the above criteria are met. The final approval for carrying the optional firearm will be with the Chief of Police or his designee. All expense associated with any optional firearm will be the responsibility of the individual officer.

312.2.2 AMMUNITION

Only Department authorized ammunition shall be carried by officers on duty. Exceptions: officers carrying a secondary firearm must supply their own ammunition. As follows:

(a) .380 cal is to be Winchester Supreme 95 gr. JHP SXT

(b) .38 cal is to be Winchester Supreme 130 gr. plus P JHP SXT

(c) 9mm ammunition shall be consistent with the duty type currently issued for use in the duty firearm.

(d) On Duty Ammunition:

1. 9mm is to be the Winchester Ranger 147 gr. J.H.P

2. .40 caliber is to be the Winchester Ranger 180 gr. J.H.P

3. .45 caliber is to be the Winchester Ranger 230 gr J.H.P

4. .223 cal (5.56mm) is to be the Federal 62 gr. tactical bonded soft point

5. No other ammunition is authorized for duty-use

312.2.3 REPLACEMENT OF AMMUNITION

All ammunition carried on duty shall be replaced with new ammunition once per year.

312.2.4 AUTHORIZED SECONDARY WEAPONS

Sworn members of the Police Department, who are authorized to carry and utilize firearms while on duty, may carry a second firearm in addition to their duty weapon under the following conditions:

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(a) Permission in writing has been requested from the Chief of Police for such authorization, and has been approved on a standard Department Inter-Office Memorandum.

(b) The second firearm shall be a: Smith & Wesson or Colt revolver with a barrel length of two inches, chambered to fire a .38 cal or 9mm round or a Walther PPK or PPK/S or a SIG/SAUER P230 or P232 semi-automatic pistol of a .380 Cal., North American Arms Guardian in .380 cal., Kahr Arms, in .380, 9mm or .40 caliber, Ruger LCP in .380 caliber, or be selected from the list of authorized duty firearms including the compact versions.

(c) The secondary (back-up) firearm ammunition type shall be selected from the list of authorized ammunition listed in section 312.22 of the Department Manual.

(d) The firearm shall be in good working order and on the department's list of approved firearms. (e) The purchase of the firearm and ammunition shall be the responsibility of the officer.

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

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

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

(i) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second firearm to the Rangemaster.

312.2.5 EXTENDED RANGE IMPACT WEAPONS

Refer to Santa Barbara Police Department Policy Manual section 308.5.

312.2.6 TACTICAL PATROL RIFLE

The Tactical Patrol Rifle, also referred to as a TPR, is a short barreled rifle capable of delivering superior accurate fire power at close quarter and extended distances. The Tactical Patrol Rifle will be carried in all black and white patrol vehicles and allow first responding officers to employ the rifle in cases where there is an actual or potential immediate threat of death or serious bodily injury.

The Department utilizes the Colt Model 6721 A3 Tactical or any of its variants for the Tactical Patrol Rifle. The TPR is equipped with the Trijicon Reflex Tritium powered dot sight optics with the flip up A2 style back up rear sight. The rifle is outfitted with a weapon mounted Surefire tactical light, tactical sling and buttstock mounted spare magazine pouch on the collapsible stock. The rifle will be carried with two magazines, one loaded in the magazine well and the other carried in the magazine pouch.

The decision to deploy the Tactical Patrol Rifle will be evaluated on a case-by-case basis. The utilization of the rifle is appropriate in those situations where the superior and accurate firepower of the rifle cartridge would greatly improve the outcome of the situation.

(a) Circumstances justifying the use of the Tactical Patrol Rifle include, but are not limited to:

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1. Situations where a firearm is used or the potential for one to be used is apparent or imminent.
2. Situations where an edged or unorthodox weapon is used and/or the potential for injury to the public or police are still possible.
3. Situations when there is an actual or potential immediate threat of death or serious bodily injury
4. Situations where the officer reasonably believes it is appropriate based on the perceived threat.

(b) Tactical Patrol Rifle in Police Vehicles:

1. The Tactical Patrol Rifle shall be carried with the bolt closed on an empty chamber with the safety on, secured in the overhead rack.
2. The rifle will be loaded with one magazine and the chamber empty. There will be one spare loaded magazine carried in the attached magazine pouch on the buttstock.
3. When accepting a black and white patrol vehicle, the officer should inspect the rifle to ensure it is secured in the proper condition and that the rifle is in proper working condition. When carrying the rifle anywhere in the Police Department building or grounds, the magazine will be removed, bolt locked open and the safety shall be kept on.
4. When an officer leaves his vehicle unattended out of sight, he must use good judgment in protecting the vehicle and weapon. The vehicle shall be locked and the windows rolled up. If the vehicle is left in the City Yards or another place for repairs, the rifle shall be removed and returned to the Department armory.
5. When a rifle is taken from the armory, it shall be inspected for proper working condition and ensured that all accessories are attached and functioning properly. The officer will log the rifle out of the armory and, when removing it from a vehicle, log it back into the armory.
6. Rifles removed from the armory to be placed into plain cars, shall be logged in and out by the officer obtaining it. When not being used the rifles shall be kept in trunk of the vehicle.
7. All rifles shall be cleaned and serviced on a regular basis under the direction of the TPR armorers.

Not less than once every ninety days, all Police and Reserve Officers of this Department shall demonstrate their competency in handling and discharge of firearms in a manner satisfactory to the Chief of Police. Upon being determined to be competent, said officers shall be certified to carry firearms for the succeeding ninety day period. During quarterly range training officers will show proficiency with the Tactical Patrol Rifle; but, in no case shall actual qualification exceed six months.

(c) Pursuant to this policy, all sworn officers of this Department shall abide by the following procedures. These procedures also directly affect the Police Reserves, Airport Patrol Officers, and Harbor Patrol Officers, by authority of Municipal Code Sections 9.114.090, 17.08.040, and 18.40.030.

1. Each officer must qualify during the certification month over an approved course of fire. Shooting courses shall be arranged by the Rangemaster, subject to approval of the Community Services Commander.

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2. When shooting for qualification/certification scores, each officer shall fire the Department-approved firearm normally carried on duty.
3. The Rangemaster shall arrange Department shoot days so as to enable officers to shoot during duty hours. An officer failing to qualify during the certification month, must reschedule during that month and as many times thereafter as may be required to attain a qualification score. Any officer failing to qualify by the expiration of the certification month, will forfeit the privilege of carrying firearms until such time as he is certified.
4. The minimum qualification score for certification is established as being 70 percent of the total possible score on the approved course of fire.
5. The Rangemaster shall maintain current shooting records for all officers required to be certified. Said records shall indicate qualification scores for each period of certification. A list of non-qualified/ non-certified officers shall be submitted to the office of the Chief of Police within three days after the expiration of the certification month.
6. Nothing in this Order is intended to interfere with or otherwise jeopardize Department Medal Shoots, Trophy Shoots, or monthly voluntary or optional shoots during months not identified as qualification/certification months.
7. Practice ammunition may be obtained by paying for it in the Business Office first and presenting the receipt to the Rangemaster who will issue the ammunition.

Repair requests. The second portion of the vehicle log book contains the repair request forms, which are perforated for easy removal and routing. Each operator completes the repair request form when the vehicle is damaged or when defects are found while checking out the vehicle prior to use, including any defects or damages not previously indicated or reported in the vehicle log book.

When it is necessary to remove a vehicle from service, the operator notifies his supervisor that he is going to remove the vehicle and the reason for doing so. The operator then takes the vehicle to the City Yards. Should the Shops be closed, the repair request form may be dropped in the mail slot provided (between the large doors to the Shop bay areas). The vehicle is to be locked, the shotgun or rifle removed, and the keys dropped in the mail slot.

After returning to the Police Department, the operator leaves a shop tag on the key hook in the Key Cabinet (Watch Commander's Office) corresponding to that vehicle. At the beginning of each work day, the Rangemaster is responsible for checking with the City Yards to determine which vehicles have been delivered to the City Yards for maintenance.

312.2.7 AUTHORIZED OFF DUTY WEAPONS

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

- (a) The firearm shall be of good quality and workmanship and approved by the Department.
- (b) The purchase of the firearm and ammunition shall be the responsibility of the officer.
- (c) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.

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

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

(f) The officer will successfully qualify with the firearm prior to it being carried and thereafter once every 12 months. The range qualification dates will be specified by the Rangemaster.

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

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

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

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

312.2.8 ALCOHOL & DRUGS

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs which would tend to adversely affect the officer's senses or judgment.

312.2.9 SPECIAL WEAPONS AND TACTICS (SWAT)

Officers currently assigned to the Santa Barbara Police Department Special Weapons and Tactics team are authorized to carry and use firearms in accordance with the provisions outlined the SWAT Operations Manual.

312.3 SAFE HANDLING OF FIREARMS

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

312.3.1 SAFETY CONSIDERATIONS

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

(b) Officers shall be governed by all rules and regulations pertaining to the use of the police range, and shall obey all orders issued by the Rangemaster.

(c) Any member who discharges his or her weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to the on-duty supervisor as soon as circumstances permit and shall file a written report with their division commander prior to the end of shift if on-duty. If off-duty, as directed by the supervisor.

(d) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the range.

(e) Officers shall not place or store any firearm or other weapon in department premises except when the place of storage is locked.

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(f) Officers shall not use any automatic weapon, heavy caliber rifles, gas or other types of chemical weapon (from the armory), except with approval of a supervisor.

(g) When entering a facility which restricts the carrying of weapons, officers shall unload their weapons and lock their weapons in the trunk of the police vehicle.

312.3.2 STORAGE OF FIREARMS AT HOME

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

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

312.4 FIREARMS QUALIFICATIONS

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

312.4.1 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall notify their immediate supervisor prior to the end of the required shooting period. Members who fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow. Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

(a) Members who shoot and fail to range qualify will be immediately relieved from field assignment and shall not carry a firearm on-duty or off-duty until they have successfully qualified.

(b) The Rangemaster will notify the employee's supervisor, manager, and Division Commander of the employee's failure to qualify with a passing score.

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

(d) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.

(e) No range credit will be given for the following:

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

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312.4.2 WEAPON MALFUNCTION

Any officer who experiences a weapon malfunction during range qualification shall immediately notify the Rangemaster. If the cause of the malfunction cannot be immediately corrected, the Rangemaster shall remove the weapon from service until the cause of the malfunction has been identified and corrected.

The Rangemaster shall provide written notification to the Division Commander, via the chain of command, describing the circumstances of all weapon malfunctions during qualification. The notification shall identify the weapon, the officer involved, the type and cause of malfunction, and any corrective action taken.

312.5 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. 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 weapons carried by officers of this Department to determine the proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to their personal weapon and it will not be returned to service until inspected by the Rangemaster.

312.6 MAINTENANCE AND REPAIR

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

312.6.1 INJURED ANIMALS

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

312.7 REPORT OF 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 Shooting 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 other 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 with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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

312.7.1 RANGE HOURS

Normal range hours are 0800-1600, Monday through Thursday. Regular and Reserve officers of this Department are allowed to use the Range for practice with the Rangemaster's authorization. In the absence of the Rangemaster, the Watch Commander or a Patrol Supervisor may authorize the Range use. In this case, the Watch Commander or Patrol Supervisor shall be responsible for opening, signing in individual(s) and inspecting, signing out and locking the range at the conclusion of shooting.

312.7.2 OTHER AGENCY USE OF RANGE

Other law enforcement agencies wishing to use the police department Range must obtain permission in writing from the Community Services Commander, and submit a copy of that agencies proposed course of fire, and agree to act in accordance with Santa Barbara Police Department Range rules, including the use of lead free ammunition. Each participant must complete the Department waiver form which will be maintained in a file by the Police Department Rangemaster. The Santa Barbara Police Department Rangemaster or his alternate must be present at all times.

312.7.3 SAFETY RULES

All officers shall adhere to the posted firearms safety rules. Injuries of any type received while on the Range must be immediately reported to the Rangemaster or Watch Commander. A written report of the injury is to be submitted within 12 hours by the injured person or his representative.

312.7.4 CIVILIAN EMPLOYEES

Civilian employees will be authorized to use firearms on the Department Range, only in the presence of the Rangemaster or the Rangemaster's designee, who will ensure that this person can safely operate the firearm.

312.7.5 PROHIBITIONS

Firearms and/or ammunition which exceed the capacities of the range walls, backstop, or bullet trap as recommended by the manufacturer are not allowed to be fired. Any question regarding the power of a firearm or ammunition, or the capacity of the range should be addressed to the Rangemaster.

312.7.6 AUTHORITY TO USE RANGE WITHOUT RANGEMASTER

At the discretion of the Community Services Commander, individual law enforcement officers may have access to the Range when there is a demonstrated need. In those instances the Santa Barbara Police Department Rangemaster's presence will be required.

With the approval of the Community Services Commander, a sworn Santa Barbara Police Officer, that has the knowledge and training to operate the Caswell Target System, may include another individual law enforcement officer to shoot on the Police Department Range.

312.7.7 FOOD AND DRINK

At no time will food or drinks be allowed on the Police Department Range.

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312.7.8 TYPE OF AMMUNITION

Lead free ammunition will only be allowed on the Police Department Range. No other ammunition will be permitted, except by permission of the Community Services Commander in advance.

312.7.9 PROTECTIVE CLOTHING

Personnel involved in cleaning and maintenance of the range shall wear appropriate protective clothing as described in the Maintenance and Safety Manual held in the Range.

312.8 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 / Recruitment Sergeant after each range date. Failure of any officer 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 weapons carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Rangemaster.

312.9 MAINTENANCE AND REPAIR

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

312.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Rangemaster shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a department approved gunsmith.

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

312.10 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- (b) Officers must carry their Department identification card which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when

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requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

- (c) The Santa Barbara Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Santa Barbara Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by 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 can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.
- (i) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.11 CARRYING FIREARM OUT OF STATE

Pursuant to 18 USC 926B, full time sworn officers and qualified retired officers (See: Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions:

- (a) The officer shall carry his/her department identification whenever carrying such weapon.
- (b) The officer will remain subject to this and all other department policies (including qualifying and training) and may not be the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) Officers are cautioned that individual states may still restrict or prohibit carrying firearms in certain areas such as government buildings, property and parks.

312.11.1 OUT OF STATE PEACE OFFICERS IN CALIFORNIA

Pursuant to 18 USC 926C, any full time or retired out of state peace officer is authorized to carry a concealed firearm in California subject to the following conditions:

- (a) The officer shall have in his/her possession a photographic identification from the issuing law enforcement agency which indicates that the officer has met the state's training and qualification standards within not less than one year prior to the date of issuance.

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

(c) Out of state peace officers are not authorized to carry a concealed firearm into government buildings or areas otherwise expressly restricted by state or local law

312.12 CARRYING FIREARMS OUT OF STATE

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

- (a) The officer shall carry his/her Department identification card whenever carrying such weapon.
- (b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The officer is not the subject of any current disciplinary action.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The officer will remain subject to this and all other Department policies (including qualifying and training).

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

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

Vehicle Pursuit Policy

314.1 PURPOSE AND SCOPE

A police vehicle pursuit exposes the officers, fleeing violators, pedestrians, and occupants of other motor vehicles to the potential risk of death, serious injury or damage to personal property. Officers may be subject to administrative action for negligent emergency vehicle operation and the City may be found liable in civil actions. If the emergency vehicle operation rises to the level of criminal negligence, an officer may be subject to criminal prosecution. When engaged in a pursuit, officers should weigh the seriousness of the violator's suspected crime against the potential for death or injury if the chase is continued. Frequently, termination of a pursuit in the interest of safety is most appropriate. Officers should constantly be alert to pedestrians, especially children, who may run into the street to observe the emergency vehicle. They should always be monitoring their speed, be aware of stopping distances, and be prepared to make an immediate stop to avoid another vehicle or pedestrian. The safety of all people should be your prime concern. Do not allow yourself to be lulled into a false sense of security during a Code 3 pursuit. Officers should not assume that all persons who flee from the police and refuse to yield are serious criminal suspects. Experience has shown that many pursuits involve non-violent crimes or traffic violations. The procedures in this policy statement outline the responsibilities of officers in deciding their course of action when a suspect in a vehicle attempts to evade contact with a law enforcement officer. An officer and supervisor must consider these guidelines when determining whether to initiate or continue a pursuit. The policy provides guidelines in order to assign responsibilities to officers, dispatch and supervisors. Once an officer becomes involved in a vehicular pursuit, the officer and supervisors must continually evaluate whether the seriousness of the violation and other factors reasonably warrant continuation of the pursuit.

314.1.1 VEHICLE PURSUIT DEFINED

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.

314.1.2 FAILURE TO YIELD

Refers to the actions of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward at or below the speed limit, observes applicable rules of the road and does not change the direction of travel in an evasive manner.

314.2 DRIVER RESPONSIBILITIES

Section 21055 of the Vehicle Code (CVC) specifies that in emergency situations, the driver of an authorized emergency vehicle is exempt from the "rules of the road" provided that the red light and siren of the vehicle are activated. § 21056 CVC specifies that this exemption does not relieve the driver from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect the officer from the consequences of improper and unauthorized exercise of the privileges granted in § 21055.

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Vehicle Pursuit Policy

314.2.1 INITIATION OF A VEHICLE PURSUIT

The officer must have reasonable cause to believe the driver or occupants of the vehicle have committed an infraction or misdemeanor in his/her presence, or have probable cause to believe a felony has been committed or is in progress. When the only known reason for the pursuit is a minor traffic violation and the suspect has not stopped after a reasonably short distance, the pursuit shall be terminated. In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle shall, when practicable, be within close proximity to the vehicle before attempting the stop. A pursuit should not be initiated or engaged in when there are passengers in the car who are not sworn peace officers or reserve peace officers. These passengers include, but are not limited to, civilian employees, ride-alongs, and prisoners. The following additional factors should be considered when assessing whether to initiate a pursuit:

- (a) Whether there is an unreasonable risk of injury to the public or to the pursuing officers;
- (b) Whether vehicular and/or pedestrian traffic safety is unreasonably compromised;
- (c) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time;
- (d) Whether weather conditions such as rain, fog, etc., create an unreasonable risk of injury to the public or the pursuing officers;
- (e) The seriousness of the crime and its relationship to community safety;
- (f) A pursuit should not be initiated for minor equipment violations, such as a non-functioning tail light;
- (g) A pursuit should not be initiated for failure to yield to red lights and siren;
- (h) The traffic conditions such as:
 - 1. Volume of vehicular traffic;
 - 2. Volume of pedestrian traffic;
 - 3. Road conditions;
 - 4. Lighting; and
 - 5. Nature of the area of the pursuit: residential, commercial or rural.
- (i) Whether the lack or quality of communication between the primary unit and the dispatchers or supervisor causes an unreasonable risk to the public or officer(s).
- (j) The familiarity of the primary pursuing officer with the area.
- (k) Whether vehicular and/or pedestrian traffic is unreasonably compromised because of the lack of performance capability of the involved police vehicle(s).

314.3 NUMBER OF PURSUIT UNITS PARTICIPATING

The initial pursuing unit (primary unit), a backup police unit (secondary unit), and a supervisor, shall be the only units to pursue the suspect vehicle "Code 3." Officers in all other units shall stay clear of the pursuit, but remain alert to its progress and location.

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Exception: The senior officer of the primary unit or the supervisor, if available, may request additional units to join the pursuit if it appears that the officers in the vehicles involved would not be sufficient to safely effect the arrest of the suspect(s). If the unit initiating the pursuit cannot continue as the primary unit, the secondary unit shall become the primary unit.

314.3.1 PURSUIT DRIVING TACTICS

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

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

314.4 ACCOUNTABILITY AND RESPONSIBILITY

All officers, supervisors and on-duty Watch Commanders involved in pursuits will be held accountable for continuation of the pursuit when circumstances indicate that the pursuit should have been discontinued. The senior officer in every pursuit vehicle shall be held accountable for the judicious operation of the vehicle during the pursuit. The most senior ranking officer or supervisor involved in the incident shall be responsible for all actions of all vehicles.

314.4.1 PRIMARY UNIT'S RESPONSIBILITIES

The responsibility of the officer(s) in the primary unit is the apprehension of the suspect(s) without unreasonably endangering themselves or others. Whenever possible, passenger officers should operate the radio allowing the driver to concentrate on driving tactics and officer safety. Until relieved by a supervisor, the senior officer shall be responsible for controlling the pursuit tactics. The senior officer's responsibilities also include the decision to become involved in a pursuit, whether more than two units should be involved in the pursuit, and whether the pursuit should be abandoned. The primary unit may continue a pursuit if it is reasonably safe or until directed to terminate the pursuit by a supervisor. When ordered

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to terminate a pursuit, the pursuing officer shall do so immediately and acknowledge the directive on the radio.

The primary unit shall broadcast through dispatch the following information:

- (a) Unit identification;
- (b) Location, speed and direction of travel;
- (c) The specific reason for the pursuit, including known laws violated;
- (d) Vehicle description, including license number, if known;
- (e) Number of occupants in vehicle;
- (f) Traffic conditions; and
- (g) Any other factors necessary to ensure officer safety and effective pursuit tactics.

314.4.2 SECONDARY UNIT RESPONSIBILITIES

The secondary unit, upon joining the pursuit, shall immediately notify dispatch that there are two units engaged in the pursuit. No additional units shall become involved in the pursuit unless they are specifically requested by the primary unit and assigned by supervision or dispatch. The secondary unit shall be responsible for assisting the primary unit and, if practical, assume responsibility for radio procedures in calling the pursuit.

314.4.3 SUPERVISORY RESPONSIBILITIES

It is the policy of this department that appropriate supervisory control shall be exercised over any pursuit. When a pursuit begins the Communications Center supervisor shall immediately contact a field supervisor, if available, to monitor the pursuit. Upon being notified of a pursuit, the appropriate supervisor shall immediately make himself or herself available for the officers to seek supervisory direction and assure himself/herself of the following:

- (a) The vehicle pursuit is justified.
- (b) No more than the required units are involved in the pursuit. Normally pursuits shall be limited to three vehicles (two field units and the supervisor). Additional assisting units may be added to the pursuit only upon the supervisor's authorization.
- (c) Affected allied agencies are being notified.
- (d) The supervisor shall monitor the pursuit and continuously assess the situation and ensure that the pursuit is conducted within established department guidelines. If necessary, the concerned supervisor shall assert control by directing specific units out of the pursuit, reassigning the primary or secondary units, or terminating the pursuit.
- (e) A supervisor shall respond to the termination point of the pursuit and provide the necessary direction.

314.4.4 DISPATCH RESPONSIBILITIES

- (a) Initiate a Code 33.

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(b) Immediately notify the Field Supervisor and Communications Center Supervisor of the pursuit.

(c) Assign backup units and provide the units with registration, vehicle want information, and other necessary information (i.e., speed, direction of travel, nature of the pursuit, etc.).

(d) Notify affected outside jurisdictions and request assistance if needed.

314.4.5 TERMINATION POINT RESPONSIBILITIES

Safety is critical at the termination point of the pursuit. The responsibility for maintaining control and directing activities at the termination point rests with the primary unit unless and until relieved by a supervisor. The secondary unit shall be responsible for providing backup and broadcasting pertinent information. Unless specifically requested, all other officers shall remain clear of the termination point of the pursuit.

314.5 ADDITIONAL UNITS

Extraordinary circumstances may dictate the assignment of additional units to the pursuit. The involvement of additional units shall be by request and/or approval of a supervisor. The following factors should be considered when requesting additional units:

(a) The danger posed to others by the suspects if the pursuit continues;

(b) Nature of the crime;

(c) Number of suspects;

(d) Whether participating units are one or two-person units; and

(e) All reasons and facts that would warrant the increased personnel involvement. The supervisor shall direct the additional units to discontinue the pursuit as soon as reasonably possible, based on tactical requirements and safety factors.

314.5.1 UNMARKED UNITS

Unmarked vehicles without emergency equipment, as outlined in 21055 CVC, shall not engage in a pursuit. However, officers in unmarked vehicles may become involved in emergency activities involving a serious crime or life threatening situation. Officers in an unmarked unit without emergency equipment shall not violate the rules of the road as defined in the California Vehicle Code.

314.5.2 MOTORCYCLE UNITS, DUAL PURPOSE UNITS, AND K-9 UNITS

In the event a pursuit is initiated by an officer on a two-wheeled motorcycle, a Dual Purpose Unit or an officer assigned as a K-9 Unit, the pursuing motorcycle officer, Dual Purpose Unit officer or K-9 officer shall relinquish the role as the primary unit when a marked police unit equipped for Code 3 operation has joined the pursuit. Unless the life of a citizen or an officer is in immediate danger no officers operating a two wheeled motorcycle, a Dual Purpose Unit or K-9 Unit shall remain as a secondary unit after they become aware of the arrival of a secondary black-and-white unit equipped for a Code 3 operation. A Two wheeled Motorcycle, Dual Purpose Unit or K-9 Unit may respond in Code 2 operation to the point of pursuit termination. The supervisor may, under extraordinary circumstances, direct a two-wheeled motorcycle, a Dual Purpose Unit or an officer assigned as a K-9 Unit to continue involvement in a pursuit pursuant to section 314.5.

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A Dual Purpose Unit is defined as a police vehicle outfitted with emergency equipment in compliance with California Vehicle Code section 21055 but without any distinctive law enforcement paint scheme

314.6 PURSUIT VEHICLE OPERATIONS AND TACTICS

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

314.6.1 RED LIGHTS AND SIREN

An officer who intends to stop a motor vehicle using the vehicle's emergency red light and siren, shall when practicable, be in close proximity to the vehicle prior to activating the red lights and siren. The officer shall operate the red light and siren continuously during the pursuit. Dispatch must be informed immediately that a pursuit is being initiated and the information specified in Section 5 (Primary Unit Responsibility) shall be provided at the earliest opportunity.

314.6.2 CONTACT WITH PURSED VEHICLE

Due to the extreme hazards and the potential risks for serious injury, police vehicles shall not be used to "box-in," "drive in front of," "drive parallel to," "head-off," or "ram" suspect vehicles in any pursuit situations without the authorization of a supervisor as these techniques can be considered lethal force.

314.6.3 NUMBER OF PURSUING VEHICLES

There shall be no caravaning by field units not assigned primary or secondary unit responsibilities. Additionally, there shall be no attempt by field units to pass the suspect vehicle or primary and secondary pursuing units.

314.6.4 DISTANCE

Officers engaged in a pursuit with a vehicle shall drive their unit allowing sufficient distances and spaces between vehicles to allow proper braking or turning time.

314.6.5 ROAD BLOCKS

The use of police vehicles for road blocks is strongly discouraged. Barricading a roadway shall not be used in misdemeanor pursuits and only as a last resort in felony pursuits where the violator constitutes an immediate threat to the public safety. Barricading a roadway must be considered a force likely to result in death or serious bodily injury. Barricading a roadway must be approved by a supervisor. Under no circumstances will a roadway be barricaded by occupied vehicles. Private vehicles should not be used as a barricade. The duty of police officers is to assist citizens, whenever possible, to remove their vehicles from the path of a pursuit. Barricades should not be set up at the bottom of a hill or on a curve in the roadway.

314.6.6 FIREARMS

Firearms are only to be used in conformance with department policy.

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314.6.7 FREEWAY DRIVING TACTICS

Officers shall not pursue a vehicle the wrong way on a freeway. In the event that the vehicle being pursued enters the freeway the wrong way, the following options should be considered:

- (a) Maintaining visual contact with the suspect vehicle by paralleling it on the correct side of the freeway;
- (b) Requesting other units to observe the adjacent exits available to the suspect's vehicle
- (c) Notifying the California Highway Patrol and other concerned police agencies.

Normally, while engaged in a pursuit on a freeway, the primary and secondary units shall utilize the red light and siren of the vehicles to comply with 21055 CVC. However, exigent circumstances, such as extremely heavy traffic or other hazardous conditions, may confront the officers which will require the elimination of the use of the siren of the police vehicle. Other options should be considered, including termination of the pursuit.

314.7 CONTINUATION VS. TERMINATION

Officers and supervisors involved in a pursuit must continually assess whether the seriousness of the crime justifies continuing the pursuit in light of the risks to public safety. The following factors should be considered when assessing whether to continue or terminate a pursuit:

- (a) Whether there is an unreasonable risk of injury to the public or to the pursuing officers;
- (b) In pursuits outside our jurisdiction, the pursuing officer and supervisor should trail the pursuit to the termination point;
- (c) Whether speeds dangerously exceed the normal flow of traffic;
- (d) Whether vehicular and/or pedestrian traffic safety is unreasonably compromised;
- (e) Whether the suspect(s) can be apprehended at a later time;
- (f) Whether weather conditions such as rain, fog, etc., create an unreasonable risk of injury to the public or the pursuing officers;
- (g) The seriousness of the crime and its relationship to community safety;
- (h) Whether the fleeing suspect is believed to be armed with a deadly weapon or otherwise poses a clear and present risk of death or great bodily harm to peace officers or other persons;
- (i) The traffic conditions, i.e:
 - 1. Volume of vehicular traffic;
 - 2. Volume of pedestrian traffic;
 - 3. Road conditions;
 - 4. Lighting; and
 - 5. Nature of the area of the pursuit: residential, commercial or rural.

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(j) Whether the lack or quality of communication between the primary unit and the dispatchers or supervisor causes an unreasonable risk to the public or officer(s);

(k) The familiarity of the primary pursuing officer with the area; and

(l) Whether vehicular and/or pedestrian traffic is unreasonably compromised because of the lack of performance capability of the involved police vehicle(s).

(m) Whether air support is available

An officer directly involved in a vehicular pursuit shall bear responsibility for the continuation of a pursuit when, on the basis of the facts known to the officer and considered with the significant factors set forth in this policy, a person of reasonable caution would be justified in believing that the level of danger to the community created by the pursuit outweighs the necessity of immediate apprehension, or, if the pursuit is continued after it has been ordered terminated. All field supervisors, the Watch Commander, the initiating officer, and the most senior ranking officer in the pursuit have the authority to cancel the pursuit when the potential safety risks outweigh the need for apprehension.

314.7.1 APPREHENSION PROCEDURES

During the apprehension of an offender following a pursuit, arresting officers shall consider the safety of the community, safety of other law enforcement officers, and safety of the violators while approaching the suspect vehicle. Therefore, when the offender yields to authority and the pursuit is terminated, pursuing officers shall initiate felony vehicle contact procedures whenever practical.

314.8 INTERJURISDICTIONAL PURSUITS

Notification by another jurisdiction of a pursuit in progress shall not be construed as a request to join the pursuit. Officers shall not assist the outside jurisdiction unless they are specifically requested to do so and authorized by a supervisor. When engaged in a pursuit initiated by an outside jurisdiction, officers from this department providing assistance shall adhere to department policy regarding emergency vehicle operations, and our pursuit policy. Once the pursuit has left our department's jurisdiction, assisting officers will terminate their involvement in the pursuit when it appears to the supervising officer or the pursuing officer that the outside jurisdiction has sufficient assistance. When a pursuit has been initiated in this jurisdiction and enters another jurisdiction, the primary unit may, due to such factors as the pursuing officer being unfamiliar with the streets in the neighboring jurisdiction, and other considerations of public safety, request that the neighboring jurisdiction take over the pursuit. The initiating officer will respond without unnecessary delay to the termination point of the pursuit to provide probable cause for the arresting officers. The neighboring jurisdiction may, at their discretion, terminate the pursuit if warranted.

314.9 POST PURSUIT PROCEDURES

314.9.1 REPORTING PROCEDURES

The Watch Commander or Field Supervisor shall comply with '14602.1 CVC by completing a CHP 187/SBPD 4.24 Pursuit Report form. The form must be filled out in its entirety. After completion of the CHP 187/SBPD 4.24 Pursuit Report form, all documents shall be submitted to the appropriate Division Commander.

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314.9.2 VEHICLE SAFETY REVIEW

After the pursuit has terminated, the supervisor shall check with the driver(s) of the involved police vehicle(s) to determine if any potential damage occurred to the vehicle(s) due to bottoming out or other high speed stress. The supervisor should consider having a safety inspection conducted at the City Yards prior to allowing the vehicle to return to the field.

314.9.3 ADMINISTRATIVE REVIEW

The department shall conduct an administrative review of the pursuit to ensure that the pursuit was conducted in compliance with departmental policies. The administrative review should also include a critique of the incident and utilization of the critique as a training tool.

314.9.4 DIVISION COMMANDER'S RESPONSIBILITY

The Division Commander will forward the CHP 187 Pursuit Report to the California Highway Patrol. An overall analysis and critique of each pursuit situation shall be made by completing the SBPD 4.24 Pursuit Report form. The evaluation should stress positive as well as negative aspects of the pursuit and shall be approved by the Division Commander. Where multiple jurisdictions are involved, Department Heads will consider joint evaluation of the pursuit.

314.9.5 TRAINING

The Community Services Division Commander shall assure that all affected personnel will receive regular training in policy and procedure relating to pursuits. This training will be documented in the officer's training file.

Officer Response to Calls

316.1 PURPOSE AND SCOPE

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

316.2 RESPONSE TO CALLS

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

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

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

316.2.1 CODE ONE

Normal response to calls for service, "Code One". Response can be interrupted for more urgent police activity, i.e., hazardous traffic violation, backup for hazardous calls, limited public assistance.

316.2.2 CODE TWO

A radio call accompanied by a "Code Two" designation is an URGENT call and shall be answered immediately. The red light and siren shall not be used, and all traffic laws shall be observed.

316.2.3 CODE THREE

A radio call accompanied by a "Code Three" designation is an EMERGENCY call. It shall be answered immediately, but in a manner which will enable the unit to reach the scene as quickly as possible with safety. The red light and siren shall be used whenever necessary. (CVC Section 21055 (b)) Any call may justify a "Code Three" if any of the following elements are present:

- (a) A serious public hazard
- (b) The preservation of life
- (c) A crime of violence in progress
- (d) A medical emergency as a result of violence, with suspect still present
- (e) An immediate pursuit

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(f) A unit at the scene requests another agency "Code Three", i.e., ambulance, Fire Department

The decision for use of "Code Three" on a call shall be made by the employee receiving the information. When more than one unit is assigned "Code Three" in the same general location, they shall be notified that other units are "Code Three" in the area. The officer initiating emergency response in the field shall notify Dispatch, when responding "Code Three". All officers receiving "Code Three" calls must notify Dispatch of the location from which they are responding.

Officers assigned to respond "Code Three" to medical emergency calls where the suspect is still on the scene shall advise Dispatch when the scene is secure for medics and fire personnel to enter. Upon initial receipt of the call, Fire and medical units will respond Code Two to a staging area until the officer advises it is safe to enter

316.3 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 Combined 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

316.3.1 NUMBER OF UNITS ASSIGNED

The number of officers responding to any Code 3 call should be limited to the minimal number of officers needed to safely handle the incident. When an officer (or multiple officers) has initiated a Code 3 response, Communications shall notify the Watch Commander or Field Supervisor of the nature of the incident and the number of officers responding Code 3.

316.4 INITIATING CODE 3 RESPONSE

If an officer feels a Code 3 response to any call is appropriate, the officer shall immediately notify Communications. Communications shall notify the Watch Commander or Field Supervisor of the nature of the incident and the number of officers responding Code 3.

316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

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

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immediately notify Combined 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.

316.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander or a field supervisor prior to assigning units Code-3. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance
- (b) Immediately notify the Watch Commander
- (c) Confirm the location from which the unit is responding
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance)
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

316.6.1 EMERGENCY CODE TONE ALERT AND EMERGENCY RADIO TRAFFIC

The Combined Communication Center consoles are equipped with a manually operated tone button known as the Emergency Code Tone. This button should be used by the dispatcher prior to transmission of any emergency call when the following elements are present:

- (a) The preservation of life
- (b) Officer needs help
- (c) Any felony crime in progress (i.e., burglary, rape, robbery, etc.)
- (d) A real and present danger exists in a field situation The purpose of the tone is to alert all radio cars of an emergency broadcast to follow, and to clear the frequency. The tone will consist of three short beeps.

A "Code 33" or "Clear Frequency" procedure is utilized to clear a radio frequency for a critical incident. At the onset of the incident, CCC dispatcher or officer will announce "Code 33". This announcement will be followed by the type of activity and location of the incident. During a Code 33 incident, all other radio traffic will be diverted to the secondary frequency. Units not involved with the Code 33 incident will go to the secondary frequency and be available for calls for service. Officers should not initiate non-critical activity until the Code 33 incident is stabilized. Any repeat requests or questions regarding the Code 33 incident will be made on the secondary frequency.

316.7 SUPERVISORY RESPONSIBILITIES

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

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- (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

316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or Combined Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

316.9 ALARMS

316.9.1 FALSE ALARMS

For purposes of this order a false alarm will be as defined in the City of Santa Barbara Municipal Code, §9.100.010(d) as follows:

(a) An alarm signal, either silent or audible, necessitating response by the Police Department where an emergency situation for which the alarm system was designed or used does not exist. Activation of an audible alarm system for one (1) second or less shall not be deemed a false alarm. Activation of an alarm system due to abnormal conditions beyond the control of the permittee shall not be deemed a false alarm.

316.9.2 SILENT/AUDIBLE ALARMS - NORMAL BUSINESS HOURS

During normal business hours, an officer will not be dispatched until an attempt at telephone contact is made verifying whether or not a robbery/burglary has occurred. If the person contacted verifies that there is no problem, an officer will not be dispatched and the incident will be documented as false and unfounded. If telephone contact cannot be made or a crime is reported, an officer will be dispatched to investigate. Unnecessary delay shall be avoided.

316.9.3 SILENT/AUDIBLE ALARMS - AFTER HOURS

When a business is closed and the alarm has been activated, an officer will be dispatched.

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(a) If the building appears secure, a request will be made of the alarm answering service to contact a responsible person and ascertain if they wish to respond to the business.

(b) If the responsible person will not respond, officers are to check the building and, if secure, clear. The refusal of the responsible person to respond will be documented in the Computer Aided Dispatch System.

(c) If the building appears secure and a responsible person will respond, officers are to stand by unless the estimated time of arrival is 15 minutes or more, in which case the respondent will be advised that an officer will return and meet them later at an agreed upon time.

316.9.4 RESIDENTIAL ALARMS

Communications personnel will get the following information from the alarm company when notification of a residential alarm is received:

(a) Address of residence

(b) Type of alarm (211, 459, unknown emergency)

(c) Resident's name

(d) Resident's phone number Officers will not be dispatched until an attempt at telephone contact is made verifying whether or not a robbery/burglary has occurred. If the person contacted verifies that there is no problem, an officer will not be dispatched. If telephone contact cannot be made, or a crime is reported, an officer will be dispatched to investigate. Unnecessary delay shall be avoided.

If officers are dispatched to the residence, after the unit(s) arrives, phone the resident and request him/her to meet the officer outside the residence.

316.9.5 ROBBERY/BURGLARY IN PROGRESS

Upon notification by the answering service, responsible party, etc., that a robbery or burglary is in progress, the dispatcher shall immediately assign the necessary field units and notify the Watch Commander.

316.9.6 MULTIPLE SILENT AUDIBLE ALARMS

If there are two responses to the same location during a 10-hour shift on false alarms, officers will not be dispatched on the third and subsequent alarms without additional information that a crime has occurred. The alarm answering service shall be advised that

there will be no police response after two false alarms within the 10-hour period. Dispatchers will document third and subsequent alarms in the Computer Aided Dispatch System, or as false and unfounded.

316.9.7 RESPONSE TO ALARMS

Field units shall proceed Code 2 to all alarms unless otherwise directed.

316.9.8 ALARM COORDINATOR

The Community Services Division Commander shall designate an employee to serve as an alarm coordinator. It will be that person's responsibility to liaison with alarm users, alarm answering services and the Police Department. Specific duties will include:

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- (a) Resolving disputes over alarm status; i.e., valid vs. false.
- (b) Issuance of alarm permits.
- (c) The mailing of warning letters, as designated in Section 9.100.100 of the Municipal Code.

Canine Program

318.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

318.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

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

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend the individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

318.2.1 PREPARATION FOR UTILIZING A CANINE

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

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.
- (e) The potential for escape or flight if the police dog is not utilized.
- (f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

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

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision whether to deploy the dog shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

318.2.2 SUSPECT APPREHENSION

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a police service dog will be released if the person does not come forth, shall be made prior to releasing a police service dog. The police service dog handler, when practical, shall first advise the supervisor of their decision if a verbal warning is not given prior to releasing the police service dog. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

- The individual's age or estimate thereof.
- The nature of the suspected offense.
- Any potential danger to the public and/or other officers at the scene if the Police Service Dog is utilized.
- The degree of resistance, if any, the subject has shown.
- The potential for escape or flight if the police dog is not utilized.
- The potential for injury to officers or the public caused by the suspect if the Police Service Dog is not utilized.

318.2.3 RIOT DISPERSAL AND CROWD CONTROL

Prior to the use of the patrol trained Police Service Dog in situations of riot dispersal or crowd control, canine handlers shall evaluate and advise the supervisor in charge of the incident whether the use of the Police Service Dog may be reasonably effective. The information shall include, but is not limited to the following:

- Does the disorderly or riotous crowd involve criminal behavior?
- Are available resources insufficient to effectively control the crowd?
- Could the crowd be effectively controlled if the canine were deployed?
- Is there an immediate threat to life or property which would be mitigated by the use of canines?

When the use of Police Service Dogs in riot control situations has been warranted, a command level officer at the scene may authorize its use. During riot dispersal, the canine will be on a short (6 ft) leash.

The Police Service Dog handler shall have the ultimate authority not to deploy the dog. The handler shall evaluate each situation and determine if the use of the Police Service Dog is technically feasible. Generally the decision to deploy the dog shall remain with the handler; however, a supervisor sufficiently apprised may decide not to deploy the dog.

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318.2.4 WARNINGS TO ANNOUNCE USE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a patrol trained Police Service Dog will be released if the person does not come forth, shall be made prior to releasing the Police Service Dog. The Police Service Dog handler, when practical, shall first advise the supervisor of their decision if a verbal warning is not given prior to releasing the Police Service Dog.

318.2.5 REPORTING POLICE SERVICE DOGS BITES OR INJURIES

(a) If an injury results from the use of a Police Service Dog, the following procedures shall be taken:

1. The handler shall obtain all necessary medical treatment for the injured party.
2. The on-duty supervisor shall be notified to respond and conduct a thorough investigation.
3. In all cases of injury even though the injury is not visible, photographs shall be taken of the affected area. Photographs shall only be taken after tending to the medical needs of the injured party.

(b) The on-duty supervisor shall respond and conduct a thorough investigation of the incident. The investigation shall include, at a minimum, the following information.

1. A complete incident report from all involved officers.
2. Photographs of any real or suspected injuries.
3. A complete administrative synopsis of the incident including statements and observation of all involved parties.

(c) The completed administrative investigation shall be reviewed by the Police Service Dog program supervisor. The Unit Supervisor shall make a finding whether the use was justified and in compliance with training, policy and procedure. The Police Service Dog supervisor shall complete a written administrative review of the incident and forward those findings through the chain of command for review by the Chief of Police.

318.3 NARCOTIC DETECTION POLICE SERVICE DOGS

A narcotic detection trained Police Service Dog may be used in accordance with current law and:

- (a) Assist in the search for narcotics during a search warrant.
- (b) Obtain a search warrant by using the Police Service Dog in support of probable cause.
- (c) Search vehicles, buildings, bags, and any other articles deemed necessary.
- (d) A narcotic detection Police Service Dog will not be used to search a person for narcotics.

318.3.1 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substances training aids are required to effectively train and maintain the department's drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public. Health and Safety Code § 11367.5 provides that any sheriff, chief of police, the Chief of the Controlled Substances Enforcement, or the Commissioner of the California Highway

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Patrol, or a designee thereof, may, in his or her discretion, provide controlled substances in his or her possession for training purposes.

- (a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency, and
- (b) Provided the controlled substances are no longer needed as criminal evidence, and
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration which specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training

318.3.2 PROCEDURES

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

- (a) All necessary controlled substance training samples shall be acquired from, and controlled by the Santa Barbara Police Department's Property Room personnel authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples.
- (b) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler and the results shall be recorded and maintained by the Property Room Custodian.
- (c) Upon receipt of controlled substance training samples pursuant to Health & Safety Code § 11367.5, the Property Officer shall obtain a case number for the controlled substances and record them as evidence. The Property Officer shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) Narcotics used for this training shall consist of methamphetamine, marijuana, cocaine and heroin and other opiates. The minimum equipment set-up should consist of three samples of each substance. Each sample consisting of approximately 2 grams, 14 grams and 28 grams. These amounts are recommended by the California Narcotics Canine Association.
- (e) All controlled substance training samples will be inspected and weighed at least quarterly by a Property Custodian and witnessed by one of the following personnel.

1. Chief
2. Assistant Chief
3. Division Commanders
4. Inspection and Control Sergeant
5. Property Room Sergeant
6. Narcotics Detail Sergeant
7. K-9 Sergeant

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(f) The results of the quarterly weight and inspections shall be recorded and maintained by the Property Officer. The Property Officer shall notify the Community Services Division Commander by memorandum of the results of quarterly inspections and in the event that there are discrepancies in the weight or packaging of the training aids.

(g) All controlled substance training samples will be stored in an approved locked box at all times, except during training. The locked boxes shall be secured in the trunk of the canine handler's assigned patrol unit with an approved locking mechanism, or stored in a locked evidence locker. There are no exceptions to this procedure.

(h) The Canine Unit Supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(i) Any unusable controlled substance training samples shall be returned to the Property Room.

318.3.3 CONTROL SUBSTANCE TRAINING AIDS IMMUNITY

Under Health & Safety Code § 11367.5(b), all duly authorized peace officers, while providing substance abuse training to law enforcement or the community or while providing canine drug detection training, in performance of their official duties, and any person working under their immediate direction, supervision, or instruction, are immune from prosecution.

318.4 EXPLOSIVE DETECTION POLICE SERVICE DOG

The Explosive Detection Canine Team shall conform to all Department policies and guidelines regarding the Police Service Dog and the following policies regarding the Explosive Detection Canine.

318.4.1 USE OF THE EXPLOSIVES DETECTION POLICE SERVICE DOG

For the purpose of this policy, "explosives" as defined by § 12000 of the California Health & Safety Code means any substance, or combination of substances, the primary or common purpose of which is detonation or rapid combustion, and which is capable of a relatively instantaneous or rapid release of gas and heat, or any substance, the primary purpose of which, when combined with others, is to form a substance capable of a relatively instantaneous or rapid release of gas and heat.

(a) An explosives detection trained Police Service Dog may be used in accordance with current law and:

1. Assist in the search for explosives during a search warrant or at the invitation of property owner/occupants. The explosive detection Police Service Dog shall be used to assist in determining if explosive chemical odors may be present in a specific area or article.
2. Assist in the investigation of threats of violence by explosive device.
3. Obtain a search warrant by using the Police Service Dog in support of probable cause.
4. Search open spaces, buildings, vehicles, vessel, aircraft, and any articles deemed necessary.

(b) An explosive detection trained Police Service Dog will not be used in the following manner:

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1. The explosive detection police Service Dog will not be used to search a person for explosives.
2. The explosive detection Police Service Dog will not be used when any package has previously been deemed suspicious.
3. The explosive detection Police Service Dog will not be used to render safe any suspicious package.
4. The handler shall not open any package or compartment after the Police Service Dog has indicated the presence of explosives.

318.4.2 ADMONISHMENT CONCERNING THE EXPLOSIVE DETECTION DOG

(a) The Police Service Dog handler shall advise all individuals requesting the search of an area, building, vehicle, vessel, aircraft, or article that the lack of indication of explosives by the Police Service Dog shall not constitute a guarantee that explosives are not present in an examined area or article.

(b) The handler shall further advise the owner/occupant that the primary responsibility to re-inhabit or utilize any area, building, vehicle, vessel, aircraft or article searched by the explosive detection Police Service Dog shall remain with the owner and/or occupant.

318.4.3 POSITIVE INDICATION OF EXPLOSIVES

When the explosive trained Police Service Dog has alerted to the presence of explosives in an area, compartment or package, the handler shall:

- (a) Immediately stop the search.
- (b) Inform the supervisor or Watch Commander of the positive indication.
- (c) Evacuate to a safe distance and prevent persons from entering the area.
- (d) Request the assistance of the Bomb Squad.
- (e) Provide the Bomb Squad technician with all appropriate assistance.

318.4.4 PROCEDURES

Explosive training aids are required to effectively train and maintain the department's explosive detecting dogs. Further, explosives can also be an effective training aid during training sessions for law enforcement personnel and the public.

Due to the responsibilities and liabilities involved with possessing explosive substances and the ever-present danger of accidental ingestion of these substances by the canine, the following procedure shall be strictly followed:

(a) All necessary explosive training samples shall be acquired from the Santa Barbara Police Department Hazardous Devices Technician currently assigned to the Santa Barbara County Bomb Squad.

(b) All explosive training samples shall be examined and weighed prior to dispensing to the individual canine handler and the results shall be recorded and maintained by the Canine Supervisor.

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(c) Explosives used for this training shall consist of a variety of explosive chemicals as determined by the canine handler, canine supervisor and canine trainer and Hazardous Device technician. Explosive training aids shall consist of - 1 pound quantities and may contain but not limited to: RDX, HMX, PETN, Ammonium Nitrate, Nitro Glycerin, emulsions, TNT, Potassium Chlorate, Sodium Chlorate, Black Powder, Smokeless Powder.

(d) When explosive samples have become unsuitable for training purposes the explosive training samples will be returned to the Department's Hazardous Devices Technician for destruction in a legally approved manner. The Department Hazardous Devices Technician shall maintain training samples in an approved facility and reissue the appropriate samples for use by the Canine Handler.

(e) All controlled substance training samples will be stored by the handler in an approved locked box at all times, except during training. The locked boxes shall be secured in the trunk of the canine handler's assigned patrol unit with an approved locking mechanism, or stored in a secured interior facility. There are no exceptions to this procedure.

(f) The Hazardous Device Technician and the Explosive Detection Canine shall inspect every explosive training sample at the time of issuance and bi-annually thereafter.

318.5 REQUEST FOR USE OF POLICE SERVICE DOG TEAMS

The Police Service Dog teams may be utilized for law enforcement functions in the City of Santa Barbara and to assist outside agencies who request their assistance. Requests for assistance from the Police Service Dog teams are subject to the following provisions:

(a) On-duty personnel within the Patrol Division are encouraged to freely solicit the use of the Police Service Dogs.

(b) When department members outside of the Patrol Division request to use the Police Service Dog team, the request shall be made to the unit supervisor or on-duty Watch Commander.

(c) Police Service Dogs may be utilized in assisting other agencies. Such requests shall be authorized by the on-duty Watch Commander. Police Service Dog teams shall not be used outside the City of Santa Barbara to perform any assignment which is not consistent with this policy.

(d) Police Service Dog teams may be called out from their home by the on-duty Watch Commander. Those Police Service Dog teams that are on-duty shall respond before authorizing off-duty teams to respond.

318.5.1 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a Police Service Dog team shall be approved by the Unit Supervisor prior to making the commitment. The Police Service Dog handler and Unit Supervisor shall take into consideration the nature of public demonstration requested and modify the behavior of the dog accordingly.

318.5.2 CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

(a) Canines shall not be left unattended in any area to which the public may have access.

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- (b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains inhabitable for the canine.

318.6 POLICE SERVICE DOG HANDLER RESPONSIBILITIES

318.6.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the Division Commander.

318.6.2 CARE FOR THE POLICE SERVICE DOG AND EQUIPMENT

The handler shall ensure that the Police Service Dog receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler shall be responsible for the following:

- (a) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition and, when off-duty, maintain the Police Service Dog unit in a garage, secured from public view
- (b) When a handler takes a vacation or extended amount of days off, the Police Service Dog shall be boarded at an approved kennel.
- (c) Handlers shall permit the Unit Supervisor to conduct spontaneous on-site inspections of affected areas of their residence as well as the Police Service Dog unit, to verify that conditions and equipment conform to policy.
- (d) Any changes in the living status of the handler which may affect the lodging or environment of the Police Service Dog shall be reported to the Unit Supervisor as soon as possible.
- (e) When off-duty, Police Service Dogs shall be maintained in kennels, provided by the City, at the homes of the handlers. When a Police Service Dog is kenneled at the handler's home, the gate shall be secured with a lock.
- (f) Under no circumstances will the Police Service Dog be lodged at another location unless approved by the Unit Supervisor or Watch Commander.
- (g) When off-duty, handlers shall not involve their Police Service Dogs in any activity or conduct unless approved by the Unit Supervisor or Watch Commander. Handlers should obey all state and local regulations pertaining to canines unless in the performance of official duties. Handlers should not use their canines in a manner that would bring discredit upon the Santa Barbara Police Department.

318.6.3 POLICE SERVICE DOGS IN PUBLIC AREAS

All Police Service Dogs shall be kept on a leash when in an area that allows access to the public. Exceptions would include specific police operations for which the Police Service Dogs are trained. The handler shall be responsible for the following:

- (a) Police Service Dogs shall not be left unattended in any area to which the public may have access. Handlers shall not take canines into public places such as restaurants, bars, taverns, except on police business.

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(b) When the Police Service Dog unit is left unattended all doors shall be secured. A patrol unit containing a Police Service Dog shall either be equipped with permanent metal screens covering the rear door windows or the windows will be rolled up so as not to allow the canine to stick its head out of the window.

(c) Handlers will permit the canine to relieve itself in an uninhabited area to insure the safety of the canine as well as the public.

(d) Handlers shall take every precaution to insure the canine is not provoked, teased or otherwise aggravated.

318.6.4 HANDLER COMPENSATION

The Police Service Dog handler shall be compensated for time spent in the care, feeding and grooming and other needs of the dog as provided in the Fair Labor Standards Act.

318.6.5 MEDICAL CARE OF THE POLICE SERVICE DOG

All medical attention shall be rendered by the designated Police Service Dog veterinarian, except during an emergency. Emergency treatment shall be obtained from the designated emergency medical treatment center. If the primary emergency treatment center is unavailable, an adequately staffed emergency treatment center may be used.

318.7 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST standards. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by the California Narcotic Canine Association or other recognized and approved certification standards.

The Unit Coordinator shall be responsible for scheduling periodic training for all department personnel in order to familiarize them with how to conduct themselves in the presence of department canines.

318.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current POST standards and the California Narcotic Canine Association or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams shall receive training as defined in the current contract with the department's canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Santa Barbara Police Department.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Watch Commander.

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318.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any dog team failing POST canine certification and, if cross-trained, the California Narcotic Canine Association or other recognized and approved certification standards shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.8 POLICE SERVICE DOG UNIT SUPERVISOR RESPONSIBILITIES

The Unit Supervisor shall be an Operations Patrol Sergeant appointed by staff and shall supervise the Police Service Dog program. The Unit Supervisor is directly responsible to the Assistant Patrol Division Commander. The Unit Supervisor shall be responsible for, but not limited to, the following:

- (a) Maintain liaison with the vendor kennel and training staff;
- (b) Maintain liaison with Administrative Staff and functional supervisors;
- (c) Maintain liaison with other Police Service Dog Supervisors;
- (d) Maintain accurate records to document Police Service Dog activities;
- (e) Recommend and oversee the procurement of needed equipment and services for the unit;
- (f) Be responsible for scheduling all Police Service Dog related activities;
- (g) Ensure the Police Service Dog teams are scheduled for continuous training to maximize the capabilities of the teams.

318.8.1 IMMUNITY

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Uniform Controlled Substance Act while providing substance abuse training or canine drug detection training (Health & Safety Code § 11367.5(b)).

Domestic Violence

320.1 PURPOSE AND SCOPE

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

In responding to domestic violence incidents, officers 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 determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider:

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

320.1.1 DEFINITIONS

The Santa Barbara Police Department "Domestic Violence" policy is drafted in compliance with guidelines established and approved by the Commission on Peace Officer Standards and Training. The following definitions are provided by Penal Code § 13700:

Abuse - means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury.

Domestic Violence - is abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

Cohabitant - means two unrelated adult persons living together for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

- Sexual relations between the parties while sharing the same living quarters
- Sharing of income or expenses
- Joint use or ownership of property
- Whether the parties hold themselves out as husband and wife
- The continuity of the relationship
- The length of the relationship

The above definition of cohabitant is used for the application of enforcing Penal Code § 273.5. Family Code § 6209 expands the definition of cohabitant to include a person who regularly resides in the household for the application of enforcing Penal Code § 836(d).

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Officer/Deputy - means any law enforcement officer employed by a local police department or sheriff's department, consistent with Penal Code § 830.1.

Victim - means a person who is a victim of domestic violence.

320.2 OFFICER SAFETY

The investigation of domestic violence cases places officers in emotionally charged and sometimes highly dangerous environments. No provisions of this guideline are intended to supersede the responsibility of all officers to exercise reasonable care for the safety of any officers and parties involved.

320.3 ENFORCEMENT OF DOMESTIC VIOLENCE

It is the intent of the Legislature that the official response to domestic violence stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors should not be used to avoid making an arrest:

- (a) Marital status of suspect and victim
- (b) Whether or not the suspect lives on the premises with the victim
- (c) Existence or lack of temporary restraining order
- (d) Potential financial consequences of arrest
- (e) Complainant's history or prior complaints
- (f) Verbal assurances that violence will cease
- (g) Complainant's emotional state
- (h) Non-visible injuries
- (i) Location of the incident (public/private)
- (j) Victim does not want to prosecute or make private person's arrest
- (k) Speculation that complainant may not follow through with the prosecution
- (l) The case may not result in a conviction

320.3.1 FELONY ARRESTS

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

320.3.2 MISDEMEANOR ARRESTS

In accordance with state law, an arrest should generally be made when there is probable cause to believe a misdemeanor has occurred.

(a) Police officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:

1. A current or former spouse.
2. A current or former cohabitant (Family Code § 6209 definition).
3. A fiancé or fiancée.
4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship.

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5. A person with whom the suspect has parented a child.
6. A child of the suspect or a child of one of the above listed categories.
7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.

(b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):

1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

320.3.3 FIELD RELEASE

A field release may not be used and a physical arrest should be made when there is a reasonable likelihood that the offense may continue or resume, or that the safety of persons or property would be imminently endangered by releasing the arrested person in the field (Penal Code § 853.6). Any of the following may support the likelihood of a continuing offense:

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

320.3.4 PRIVATE PERSON'S ARREST

Officers will advise the victim of his/her right to make a private person's arrest when a crime has been committed outside the officer's presence which does not meet the requirements for an officer initiated arrest either because it is not a felony or a qualifying misdemeanor offense under Penal Code § 836(d). Advisements regarding private person's arrests should be held out of the presence of the suspect. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions of Policy Manual § 364 for further options regarding the disposition of private person's arrests.

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320.3.5 PROTECTIVE ORDER VIOLATIONS

Absent exigent circumstances, if probable cause exists to believe an offender has violated a protective order as defined in Penal Code § 13701(b), an arrest shall be made. These court orders involve the following:

- (a) Prohibit threats, harassment or violence
- (b) Excludes a party from a dwelling
- (c) Prohibit other behaviors specified by the court

These protective orders pertain to parties labeled as petitioner and respondent who are married, formerly married, dating, formerly dated, engaged, formerly engaged, cohabiting, formerly cohabited or have had a child together.

The court orders under Penal Code § 13701(b) may be captioned as follows:

- Domestic Violence Protective Order
- Criminal Court Protective Order
- Emergency Protective Order (EPO)
- Order to Show Cause and Temporary Restraining Order (TRO)
- Order After Hearing
- Restraining Order - Juvenile
- Judgment of Dissolution and Order

Any officer determining that there is probable cause to believe that a protective order issued by a tribunal of another state is valid shall enforce such order as if issued in this state.

320.3.6 TENANCY ISSUES

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

320.4 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.

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- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective 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.
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Marital status of suspect and victim.
 - 2. Whether the suspect lives on the premises with the victim.
 - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 4. The potential financial or child custody consequences of arrest.
 - 5. The physical or emotional state of either party.
 - 6. Use of drugs or alcohol by either party.
 - 7. Denial that the abuse occurred where evidence indicates otherwise.
 - 8. A request by the victim not to arrest the suspect.
 - 9. Location of the incident (public/private).
 - 10. Speculation that the complainant may not follow through with the prosecution.
 - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.4.1 VERIFICATION OF RESTRAINING ORDERS

Whenever a complainant advises of the existence of a restraining order, the officer shall immediately attempt to determine the following (Code of Civil Procedure § 527.8(i)(3)).

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- (a) Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in his/her possession.
- (b) Whether there is valid restraining order on file with the Department of Justice California Restraining and Protective Order System (Family Code § 6383(d)).
- (c) Whether the proof of service or prior notice exists or that the suspect was in court when the order was made
- (d) The terms of the restraining order.

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

320.4.2 ENFORCEMENT PROCEDURES

Violation of a restraining order is a misdemeanor under Penal Code §§ 273.6 or 166(4). An arrest should be made when probable cause exists to believe the subject of a restraining order has violated the order whether or not in the presence of an officer and evidence of proof of service of the order exists. Proof of service may be established by any one of the following:

- (a) The existence of the order and proof of service to the suspect has been verified by the officer.
- (b) The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the suspect.
- (c) The officer has verified the existence of the order and the order reflects that the suspect was personally present in court when the order was made which removes the proof of service requirements.
- (d) The existence of the order has been verified and there is proof that an officer has previously informed the suspect of its terms.

Any officer making an arrest for violation of a non-warrant felony or misdemeanor domestic violence restraining order should evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. Any officer seeking to increase the amount of bail in such circumstances shall prepare a declaration in support of increased bail when there is reasonable cause to believe that the scheduled bail amount is insufficient to assure an arrestee's appearance or to protect the victim or family member of a victim (Cal. Penal Code § 1269c).

320.4.3 PROOF OF SERVICE NOT VERIFIED

When the officer verifies that a restraining order exists, but cannot verify proof of service or prior knowledge of the order by the suspect, the officer should:

- (a) Inform the suspect of the terms of the order.
- (b) Admonish the suspect of the order, that the suspect is now on notice and that the violation of the order will result in arrest. If the suspect continues to violate the order after being advised of the terms, an arrest should be made.
- (c) If the suspect complies after admonishment of the terms, the officer shall complete a report pursuant to Penal Code §13730(c) showing the suspect was advised of the terms of the order, the specific terms of the order the suspect was advised about, the name of the officer, and the date and time. The Department's copy of the restraining order will be updated to reflect the information listed above.

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320.4.4 WHEN ORDERS ARE NOT VERIFIABLE

When a victim is not in possession of the restraining order, and/or in case of computer error or due to other reasons, officers may not be able to confirm the order's validity, officers shall take the following action:

(a) Write a report, give the police report number to the victim, and explain how the victim can contact the appropriate detective or investigation unit for further action. (Penal Code § 13730(c)).

(b) Inform the victim of the right to make a private person's arrest for the appropriate violation.

(c) In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed. Penal Code §§ 13730(c) and 13701(c) require that under these circumstances a written report be completed and that the victim be informed of the case number and the follow-up criminal procedure.

320.4.5 EMERGENCY PROTECTIVE ORDERS

(a) Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:

1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.
4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code § 15610.7 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.

(b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.

1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).
2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
3. Any officer requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.

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- (c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:
 - 1. Physically or verbally contacting the victim or disturbing his/her peace.
 - 2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence.
 - 3. Continuing a specified behavior as described in the order.
- (d) Officers investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.
- (e) Officers should consider requesting an EPO if any of the following conditions exist:
 - 1. The victim requests an EPO.
 - 2. The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim.
 - 3. The investigating officer or victim believes that the suspect may be able to make bail and the potential for further violence exists.

320.4.6 COURT ORDERS

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1). Witness intimidation is also a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

320.4.7 PHOTOGRAPHS OF INJURIES

All visible injuries should be photographed regardless of severity and all victims shall receive proper medical care prior to being photographed, if needed or desired. Victims whose injuries are not visible at the time of the incident shall be advised to contact the Detective Bureau, in the event they become visible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

320.5 VICTIM ASSISTANCE

320.5.1 DOMESTIC VIOLENCE EMERGENCY RESPONSE TEAM (DVERT)

In all cases of domestic violence officers shall call for the Domestic Violence Emergency Response Team (DVERT) to respond once an investigation has stabilized, but early enough as to allow an advocate to respond and ensure a smooth transition into supporting the victim. The advocate should be requested to meet the victim and officer at the location of the investigation. DVERT advocates should not be utilized for the investigative process, but for providing counseling and referral information to victims.

320.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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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.

320.6.1 ADDITIONAL ASSISTANCE

During the course of investigating and reporting domestic violence cases, an officer may assist a victim in many ways. Some suggested methods of assistance are:

- (a) Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not.
- (b) Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety, or the officer determines a need exists.
- (c) Stand by for a reasonable amount of time when a complainant requests police assistance while removing essential items of personal property.
- (d) Explain legal options available to the victim including the private person's arrest process, temporary restraining and stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.
- (e) Advise the victim of available community resources and the state Victim Assistance Program. See §320.61 of the policy manual.
- (f) If the victim requests to be notified of the suspect's release, the booking deputy is notified who will flag the suspect and notify the watch commander who will then notify the victim, if possible. The officer should also direct the victim to call the Inmate Records bureau at the Santa Barbara County Jail for information on the suspect's custody status.

320.6.2 WRITTEN NOTICE TO VICTIMS

Penal Code § 13701 requires that victims of Domestic Violence be furnished written notice including the following information:

- (a) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.
- (b) A statement that provides information about a shelter they may contact in the area.
- (c) A statement that provides information about other community services they may contact in the area.
- (d) A statement informing the victim of domestic violence that he or she can ask the district attorney to file a criminal complaint.
- (e) A statement that "For further information about the California victim's compensation program, you may contact 1-800-777-9229."
- (f) A statement informing the victim of the right to go to the superior court and file a petition requesting any of the following orders for relief:
 - 1. An order restraining the attacker from abusing the victim and other family members.
 - 2. An order directing the attacker to leave the household.

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3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
4. An order awarding the victim or the other parent custody of or visitation with a minor child or children.
5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
6. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.
7. An order directing the defendant to make specified debit payments coming due while the order is in effect.
8. An order directing that either or both parties participate in counseling.

(g) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.

(h) In the case of an alleged violation of Penal Code §§ 261, 261.5, 262, 286, 288a, or 289, a "Victims of Domestic Violence" card which shall include, but is not limited to, the following information:

1. The names and locations of rape victim counseling centers within the County, including those centers specified in Penal Code §13837, and their 24-hour counseling service telephone numbers.
2. A simple statement on the proper procedures for a victim to follow after a sexual assault.
3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.
4. A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

320.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

320.8 FIREARMS

Officers shall take into temporary custody firearms or other deadly weapons in plain sight or discovered pursuant to a consensual search or other lawful search in domestic violence incidents and process them for safekeeping as authorized in Penal Code § 12028.5. In no event shall such a firearm or weapon be returned within less than 48 hours.

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The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered along with any applicable time limit for recovery. (Penal Code § 12028.7)

No person who is the subject of an Emergency Protective Order issued pursuant to Penal Code § 646.91 may own, possess, receive, purchase or attempt to purchase a firearm while such order is in effect.

320.8.1 RECEIPT

Upon taking the firearm or other deadly weapon, the officer shall give the person who possessed the firearm or weapon a receipt that contains:

- (a) Description of the firearm or weapon, including any serial number,
- (b) Where the item may be recovered from,
- (c) The date after which the item may be available for return (after 48 hours).

The seizing officer will deliver a copy of the seized weapon receipt to the appropriate Investigative Division supervisor prior to the end of the shift. The officer shall inform the Investigative Supervisor of his/her recommendation, if any, concerning the return of the weapon. The Investigative Supervisor will review the receipt, officer(s)' recommendation, and the incident report to determine whether the Department should proceed to retain the firearm with the assistance of the District Attorney's office as described in §320.81.

320.8.2 RETURN OF FIREARMS OR OTHER DEADLY WEAPONS

If a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident or is not retained because it was illegally possessed, the firearm or other deadly weapon shall be made available to the owner or person who was in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than 72 hours after the seizure (Penal Code § 12028.5(b)). If the Department is informed that the District Attorney will file a petition for forfeiture of the weapon within 10 days of the seizure, the weapon should not be released.

320.9 DISPATCHER'S RESPONSIBILITIES

This department considers calls of reported, threatened, imminent, or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Penal Code § 136.2, and restraining orders of extreme importance and shall be ranked among the highest priorities. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance. All calls of domestic violence should be dispatched as soon as practical.

320.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is reasonable cause to do so requires supervisor approval.

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

320.9.2 COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall carry copies of the order while on-duty and shall file a copy with the court as soon as practicable (Family Code § 6270 et seq.).
- (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).

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320.9.3 PUBLIC ACCESS TO POLICY

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

320.9.4 REPORTS AND RECORDS

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

320.9.5 RECORD-KEEPING AND DATA COLLECTION

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident (Penal Code § 13730). This information is to be reported to the Attorney General monthly (Penal Code § 320.9.5). It shall be the responsibility of the Administrative Services Lieutenant to maintain and report this information as required.

320.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

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

Sexual Assault Investigation

322.1 PURPOSE AND SCOPE

The Santa Barbara Police Department uses a collaborative approach which provides for the welfare of the assault survivor during a careful investigation for the reporting and collection of evidence in sexual assault cases.

322.2 EXAMINATION OF RAPE VICTIM

When a report of Rape is investigated within 72 hours of the occurrence, it shall be the policy of the Santa Barbara Police Department to transport the victim to the SEXUAL ASSAULT RESPONSE TEAM (S.A.R.T.) cottage.

(a) S.A.R.T. is a multi-disciplinary unit made up of representatives of Child Abuse Listening and Mediation, Child Protective Services, Law Enforcement, Rape Crisis Center, Shelter Services for Women, Victim/Witness Assistance Program and medical staff of trained nurses and physicians.

(b) S.A.R.T. services include a medical-legal examination, medical treatment, emotional support, advocacy and counseling.

(c) The investigating officer shall activate S.A.R.T. prior to going to the S.A.R.T. cottage in order to allow the team time to assemble. This activation may be done by the officer or by a request through S.B.P.D. Communications.

(d) In cases requiring immediate medical care for injuries, the victim should be transported by ambulance, if necessary, to the hospital emergency room. The S.A.R.T. exam may be conducted at the emergency room.

322.3 RAPE CRISIS CENTER ADVOCATES

(a) In cases of Sexual Assault that do not involve a S.A.R.T. response, officer of the police shall contact the Rape Crisis Center to respond once a sexual assault investigation has begun.

(b) The Advocate should be requested to meet the victim and officer at the location of the investigation i.e. S.A.R.T. cottage, police department, victim's residence.

(c) Such a request should be made once an investigation has stabilized but early enough so as to allow a advocate to respond and insure a smooth transition into supporting the victim.

322.4 INTERVIEWING JUVENILE GIRLS

The interviewing of a juvenile girl regarding sex matters shall never be conducted alone by a male officer; whenever practical, the interview shall be conducted in the presence of a female police officer or civilian female employee.

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Santa Barbara Police Department.

324.2 AUTHORITY TO DETAIN

Legal authority for taking custody of juvenile offenders is found in Welfare and Institutions Code § 625.

324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (Welfare & Institutions Code § 625) .

324.2.2 CHILDREN UNDER THE AGE OF 14

Whenever a child under the age of 14 is arrested, the arresting 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).

324.3 TEMPORARY CUSTODY

No juvenile may be held in temporary custody at the Santa Barbara Police Department without authorization of the arresting officer's supervisor or the Watch Commander. An individual taken into custody for Welfare and Institutions Code § 300 or § 601 shall be processed as soon as practical. Juveniles detained under Welfare and Institutions Code § 602 may not be held at this facility for more than six hours from the time of arrival at the Santa Barbara Police Department. When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the detective assigned to the case:

- (a) Once the detained juvenile has been placed in secure or non-secure custody, complete the Juvenile Detention Log located in the Watch Commander's office
- (b) Take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition (Welfare and Institutions Code § 627)

Status offenders and abused or neglected children (juveniles falling within provisions of Welfare and Institutions Code §§ 300 and 601) may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody in the station.

324.3.1 TEMPORARY CUSTODY REQUIREMENTS

All juveniles held in temporary custody shall have the following made available to them:

- (a) Access to toilets and washing facilities

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- (b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer, jailer or as directed by a supervisor
- (c) Access to drinking water
- (d) Privacy during visits with family, guardian, or lawyer
- (e) Immediately after being taken to a place of temporary confinement, and except where physically impossible no later than one hour after being taken into custody, the detaining officer shall advise and provide the juvenile an opportunity to make at least three telephone calls. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney. (Welfare & Institutions Code § 627 and Penal Code § 851.5)

324.3.2 NON-CONTACT REQUIREMENTS

There shall be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners who are detained in the jail, except as provided below (208 Welfare and Institutions Code, Title 15 California Code of Regulations §§ 1544, 1546)).

Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

- (a) There will be no communication between the juvenile and adult prisoners allowed
- (b) If an adult prisoner, including an inmate worker, is present with the juvenile in the same room or area, an Santa Barbara Police Department employee trained in the supervision of inmates shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner
- (c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:
 - 1. Booking
 - 2. Medical screening
 - 3. Inmate worker presence while performing work necessary for the operation of the Santa Barbara Police Department such as meal service and janitorial service
 - 4. Movement of persons in custody within the Santa Barbara Police Department

324.4 TYPES OF CUSTODY

The following provisions apply to types of custody, and detentions of juveniles brought to the Santa Barbara Police Department.

324.4.1 NON-SECURE CUSTODY

All juveniles not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14-years taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility however the custody must be non-secure. Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed, but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video or other electronic devices does not replace constant personal visual supervision.

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324.4.2 SECURE CUSTODY

Secure custody means a juvenile may be locked in a room or secured in a holding cell subject to the following conditions:

- (a) Juvenile is 14 years of age or older.
- (b) Juvenile is taken into custody on basis of having committed a criminal law violation as defined in 602 WIC.
- (c) Detention at this facility does not exceed 6 hours from the time of arrival at the police station, when both secure and non-secure time is combined.
- (d) Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents, or arrange transfer to Juvenile Hall.
- (e) The officer detaining the juvenile has reasonable belief that the juvenile presents a "serious security risk of harm to self or others." Factors to consider include:
 - Age, maturity, and delinquent history of juvenile;
 - Severity of offense for which taken into custody;
 - Juvenile's behavior;
 - Availability of staff to provide adequate supervision or protection of the juvenile;
 - Age, type, and number of other individuals detained at the facility.

324.4.3 SECURE DETENTION OF JUVENILES OUTSIDE OF DETENTION ROOM

Only juveniles meeting the criteria for non-secure detention may be held in any one of the following rooms:

- Interview rooms
- Investigative Division working area
- Break room
- First floor briefing Room
- Unused offices
- The juvenile may be secured to a stationary object. The juvenile shall not be secured to a stationary object, i.e. chair, bench, etc., for more than 30 minutes unless a detention room is not available. If a juvenile is secured, the following conditions must be met:

(f) A Department employee must be present at all times to assure the juvenile's safety while secured to a stationary object.

(g) Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available.

(h) Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Watch Commander and the reason for continued secure detention shall be documented.

324.4.4 JUVENILE DETENTION ROOMS

The Santa Barbara Police Department has provided juvenile detention rooms outside of the adult jail facility. These rooms are designed for the temporary detention of juveniles meeting

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the criteria of secure custody. Officers or detectives placing juveniles in secure detention rooms shall comply with the following:

- (a) It is the officer's responsibility to notify the Watch Commander, desk personnel, and/or detective personnel that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of six hours.
- (b) Any juvenile placed in a locked detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the Watch Commander shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.
- (c) A written record will be maintained on a detention log located in the Watch Commander's office. This log will include the charges for which the juvenile is being detained, the circumstances that warrant a secured detention, the time the detention began, and the time it ended. There will also be a place for the Watch Commander to initial the log approving the detention to occur and to initial the log when the juvenile is released.
- (d) A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room shall be photographed and documented in the crime report

324.4.5 JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained by the responsible detective or the desk personnel or locked in a juvenile property locker until the juvenile is released from the custody of the Santa Barbara Police Department.

324.4.6 MONITORING OF JUVENILES

The juvenile shall constantly be monitored by the audio/video system during the entire detention. An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection shall not be replaced by video monitoring. This inspection shall be conducted by a designee of the Watch Commander, and the visual inspection shall be logged on the Inspection Log in the Watch Commander's office.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances the Watch Commander shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Juvenile Security Report Logs and Confinements of Juvenile Logs shall be turned into the Administrative Services Lieutenant or his/her designee at the end of each month.

324.4.7 MANDATED JUVENILE PROVISIONS

While a juvenile is being detained in the detention room, he/she shall be provided with the following provisions:

- (a) Reasonable access to toilets and washing facilities

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- (b) Food, if the 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. All food given to a juvenile in custody shall be provided from the jail food supply
- (c) Reasonable access to drinking water
- (d) Privacy during family, guardian, and/or lawyer visits
- (e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the jail if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody)

324.4.8 FORMAL BOOKING

No juvenile shall be formally booked (Welfare and Institutions Code § 602 only) without the authorization of the arresting officer's supervisor, or in his or her absence, the Watch Commander.

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

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or Detective Supervisor, giving due consideration to the following:

- (a) The gravity of the offense
- (b) The past record of the offender
- (c) The age of the offender

324.4.9 DISPOSITIONS

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
 - 1. Parent or legal guardian
 - 2. An adult member of his/her immediate family
 - 3. An adult person specified by the parent/guardian
 - 4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the Watch Commander
- (b) If the six hour time limit has expired, the juvenile should be transported to the juvenile hall to accept custody
- (c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
 - 1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
 - 2. If the arresting officer or the Watch Commander believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective. The detective assigned to the case will then determine the best course of action, such as diversion or referral to court. The detective will contact the parents and advise them of the course of action.
 - 3. The arresting officer may complete an Application for Petition form on behalf of the juvenile and forward it to the Investigative division for processing.

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4. The juvenile may be transferred to Juvenile Hall with authorization of the appropriate supervisor or the Watch Commander when the violation falls within the provisions of Welfare and Institutions Code § 602.

324.5 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

- (a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.
- (b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:
 1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
 2. If efforts to contact a parent, guardian or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official or lawyer may be present during the interview in lieu of a parent.
 3. If contacted, the selected parent, other responsible adult or school official may be permitted to be present during any interview.
 - (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
 - (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.
- (c) Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

Absent exigent circumstances or authority of a court order, officers should not involuntarily detain a juvenile 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. In all such cases officers should adhere to guidelines and requirements set forth in Policy 330 Child Abuse Reporting.

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324.6 OUT OF CONTROL JUVENILES (601WIC)

When a juvenile is out-of-control and this agency provides assistance by admitting that juvenile into a shelter care facility, a Misdemeanor Incident Report shall be completed and forwarded to the Investigative Division. If the juvenile was previously reported missing, then the "found" portion of the "Missing Person" report form shall be completed and proper notification made (see §332).

324.6.1 PROTECTIVE CUSTODY

Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse. Before taking any minor into protective custody, the officer should make reasonable attempts to contact the appropriate child welfare authorities to ascertain any applicable history or current information concerning the minor.

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs. Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

324.7 RELEASE OF INFORMATION CONCERNING JUVENILES

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

324.7.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

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 Policy Manual. Such releases are authorized by Welfare & Institutions Code § 827.

324.7.2 RELEASE OF INFORMATION TO OTHER AGENCIES

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

324.8 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

324.8.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or nonsecure custody, the paramedics will be called. The Watch Commander shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

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In the event of a serious illness, suicide attempt, injury or death of a juvenile, the Investigative Division Commander or his/her designee shall ensure that the following persons shall be notified as soon as possible:

- (a) the presiding judge of the Juvenile Court,
- (b) the parent, guardian, or person standing in loco parentis, of the juvenile. For purposes of this section, serious illness shall be defined as an illness which requires the transportation of the juvenile detainee to a medical facility, and the juvenile is admitted to a ward other than the Emergency Room for treatment. Serious bodily injury" means 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;
 - serious disfigurement.

324.8.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer 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 himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the Watch Commander if he/she believes the juvenile may be a suicide risk. The Watch Commander will then arrange to contact a mental health team for evaluation, or to contact Juvenile Hall and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

324.8.3 USE OF LEG RESTRAINT DEVICES

Santa Barbara Police Department Policy Manual § 306 refers to the only authorized leg restraint device. The policy of the Santa Barbara Police Department is that leg restraints will not be used for inmates retained in custody. This policy also applies to juveniles held in temporary custody.

324.8.4 DISCIPLINE OF JUVENILES IN CUSTODY

No discipline shall be administered by police personnel while a juvenile is in custody.

324.8.5 DEATH OF A JUVENILE WHILE DETAINED

In any case in which a juvenile dies while in temporary custody in our holding facility. The Chief of Police shall provide to the Board of Corrections a copy of the report submitted to the Attorney General pursuant to Government Code §12525. A copy of the report shall be submitted to the Board within ten (10) calendar days after the death.

Upon receipt of a report of death of a minor from the Chief of Police the Board of Corrections may:

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- (a) Within 30 calendar days inspect and evaluate our holding facility; and,
- (b) Determine if the Department is in compliance with the standards and requirements set forth in the California Code of Regulations; and act,
- (c) In cooperation with the Community Services Division Commander to develop written policies and procedures to assure there is a medical and operational review of every in-custody death of a juvenile. The review team shall include the holding cell facility manager, a health administrator, the responsible physician and other health care and Department employees who are relevant to the incident.

324.8.6 CURFEW VIOLATIONS

Juveniles detained for curfew violations will be charged with Santa Barbara Municipal Code 9.04.010. The City of Santa Barbara has a Daytime Loitering and Nighttime Curfew Ordinance. Daytime violators during school days are returned to school. Nighttime violators

can be cited, returned to parents, and in some cases can be lodged in Juvenile Hall. Violations are an infraction that can result in a fine, community service or referred to Teen Court.

324.8.7 INTOXICATED AND SUBSTANCE ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others. In certain cases, a medical clearance should be obtained prior to detention of juveniles at the Santa Barbara Police Department where the minor appears to be under the influence of alcohol or intoxicating substances. Each incident is unique and the determination is left to the officer's discretion in determining if a minor may require medical attention. The following criteria may help establish if a minor is intoxicated to the point a medical evaluation is warranted:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity;
- Minor is known or suspected to have ingested any substance that could result in a medical emergency;
- A minor who is intoxicated to the level of being unable to care for him or herself;
- An intoxicated minor whose symptoms of intoxication are not showing signs of improvement.

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a minor who has ingested one or two beers would not normally meet this criterion.

(a) A minor detained and brought to the Santa Barbara Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:

- Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
- Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.

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- An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking them awake). This is the most important monitoring procedure.

(b) Personal observation shall be conducted on a frequent basis while the minor is in the custody of the Santa Barbara Police Department, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audio monitoring is maintained in addition to conducting the in person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the minor.

- The 15-minute checks of the juvenile shall be documented on the Juvenile Detention Log in the Watch Commander's office.

(c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an EMERGENCY. Paramedics should be called and the juvenile taken to a medical treatment facility.

(d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.

(e) A medical clearance is required before the minor is transported to Juvenile Hall if it is known that the minor ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the minor no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The minor will still be monitored on a 30-minute basis as outlined in this policy. The minor will continue to be monitored as required for secure or nonsecure detentions.:

Elder Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse. It is the policy of the Santa Barbara Police Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

326.2 DEFINITIONS

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

Dependent Adult - Is any person residing in this state, between the ages of 18 and 64-years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or 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. Dependent Adult includes any person between the ages of 18 and 64-years who is admitted as an inpatient to a 24-hour health facility, as defined in Health and Safety Code §§ 1250, 1250.2, and 1250.3.

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

Financial Abuse - Is a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property to any use or purposes not in the due and lawful execution of his or her trust.

Abuse of an Elder or a Dependent Adult - Is physical abuse, neglect, financial abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

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

Neglect - Is the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

- (a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
- (b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

326.3 MANDATORY REPORTING REQUIREMENTS

Members of the Santa Barbara Police Department are mandated reporters.

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Employees who observe, have knowledge of, or are told by an elder or dependant adult about any form of abuse (physical abuse, abandonment, abduction, isolation, financial abuse, neglect) shall make a report and notify the appropriate social services representative as soon as practicable (see Welfare & Institutions Code § 15630 for reporting details). Failure to make a report within two working days is a misdemeanor (Welfare and Institution Code § 15630(h)).

The Detective Bureau Supervisor is responsible to ensure that cases of suspected elder abuse are forwarded to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (care facility, hospital) per Welfare and Institution Code § 15630(b).

326.3.1 RECORDS SECTION RESPONSIBILITY

The Records Section is responsible for the following:

- (a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.
- (b) Retain the original elder/dependent abuse report with the initial case file.

326.4 OFFICER'S RESPONSE

All incidents involving actual or suspected elder and dependent abuse shall be fully investigated and appropriately documented.

326.4.1 INITIAL RESPONSE

Officers may be called upon to effect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

326.4.2 STABILIZE THE SITUATION

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider taking the following actions:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence that may change in appearance, injuries for example, should be photographed as soon as practicable.
- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.
- (d) Make on-scene arrests when appropriate. Officers may arrest a person without a warrant when probable cause exists to believe that the person has committed an assault or battery, whether or not the assault or battery has in fact been committed, upon a victim 65 years of age or older to whom the suspect is related by blood or legal guardianship, provided the arrest is made at the time probable cause arises (Penal Code § 836). If an arrest is not otherwise required by law, officers should consider the

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consequences that the immediate arrest of a sole supporting family caretaker might have on the victim. The decision to arrest should be based on the best interests and caretaking needs of the elderly victim. The present and future safety of the victim is of utmost importance.

326.4.3 SUPPORT PERSONNEL

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Detective personnel
- Evidence collection personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility

326.4.4 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependant 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)).

326.5 ELDER ABUSE REPORTING

Every allegation of elder abuse shall be documented. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810.

Officers investigating elder/dependent abuse shall complete State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).

Non-Discrimination and Harassment Policy & Employee Complaint Procedure

328.1 PURPOSE AND SCOPE

The City of Santa Barbara is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment.

The City Council and the City Administrator recognize that discrimination and harassment create a negative atmosphere that reduces work productivity, undermines the integrity of the workforce and destroys professionalism. We all enjoy a more fulfilling work experience when we treat one another with respect, and appreciate the strength of our diversity.

Therefore, the City expects that all relationships among persons engaged in work for the City will be business-like and free of bias, prejudice, and harassment.

328.2 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City of Santa Barbara to ensure equal employment opportunity without discrimination or harassment on the basis of:

- Age (40 and over)
- Ancestry
- Color
- Disability (mental and physical, including HIV and AIDS)
- Gender (male or female; includes pregnancy and childbirth)
- Marital Status
- Medical Condition (cancer and genetic characteristics)
- National Origin
- Race
- Religious Belief
- Sexual Orientation
- These are referred to collectively in this policy as "protected classes" or "protected characteristics."

The City prohibits any such discrimination or harassment. All employees are protected by this policy, and all are required to fully support and adhere to the provisions of this policy.

328.2.1 RETALIATION PROHIBITED

The City of Santa Barbara encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City to investigate such reports. The City prohibits retaliation against any individual who reports discrimination or harassment or participates in

an investigation of such reports.

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Non-Discrimination and Harassment Policy & Employee Complaint Procedure

328.3 DEFINITIONS

328.3.1 DISCRIMINATION

Discrimination prohibited under this policy is discrimination in the terms, conditions, privileges or prerequisites of employment based on the actual or perceived age (over 40), ancestry, color, mental or physical disability including HIV and AIDS, gender, marital status, medical condition (cancer or genetic characteristics), national origin, race, religious belief, or sexual orientation of an employee or job applicant, or based on the employee or applicant's association with a person who has, or is perceived to have, any of those characteristics. Discriminatory conduct may include, but is not limited to:

- (a) Advertising positions to encourage or discourage applicants based on membership in a protected class;
- (b) Asking for information in a job application or interview about membership in a protected class;
- (c) Making an employment decision (e.g., whether to hire, train, promote, transfer, discipline, terminate, etc.) based on membership in a protected class;
- (d) Providing different pay, privileges, or working conditions (e.g., merit increases, job rotation, work assignments, overtime assignments, time off, etc.) to employees based on membership in a protected class;
- (e) Harassing an employee based on membership in a protected class (see Definitions of Harassment, below);
- (f) Retaliating against a person for making a complaint about discrimination or harassment.

Discrimination laws cover not only intentional discrimination, but also neutral employment practices that have the effect of discriminating. This policy prohibits any policy, plan, program, custom or practice that has an unnecessary disparate impact upon protected classes of employees.

The definitions of the protected classes extend to the perception that an employee or applicant has the characteristics of the protected class, or is associated with someone with those characteristics.

328.3.2 SEXUAL HARASSMENT

Sexual harassment constitutes discrimination. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when, for example:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment need not be motivated by sexual desire or sexual gratification. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve

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individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:

- (a) Unwanted sexual advances or requests for sexual favors.
- (b) Repeated pressure on an individual to socialize with or date another individual.
- (c) Threatening to punish or offering to reward a person with employment benefits based on submission to demands of a sexual nature
- (d) Sexual jokes, language, and innuendo
- (e) Suggestive or obscene letters, notes, or invitations
- (f) Commentary about an individual's body, sexual prowess, or sexual deficiencies
- (g) Insulting or obscene comments or gestures, leering, whistling
- (h) Unwanted touching, assault, impeding or blocking movements
- (i) Display (on walls, computers, etc.) or circulation in the workplace of sexually suggestive objects or pictures (including posters, lenders, cartoons, photographs, or art work) and
- (j) Other physical, verbal, or visual conduct of a sexual nature.

328.3.3 OTHER PROTECTED CHARACTERISTIC

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, visual, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his /her actual or perceived age (over 40), ancestry, color, mental or physical disability including HIV and AIDS, gender, marital status, medical condition (cancer or genetic characteristics), national origin, race, religious belief, or sexual orientation or because of his/her association with a person who has, or is perceived to have, any of those characteristics, and that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassing conduct includes, but is not limited to:

- (a) Epithets, slurs, or negative stereotyping;
- (b) Threatening, intimidating, or hostile acts;
- (c) Denigrating jokes; and
- (d) Written or graphic material (posters, calendars, cartoons, photographs or art work) that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls, computers, or elsewhere on the City's premises or circulated in the workplace.

328.4 INDIVIDUALS AND CONDUCT COVERED

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City (e.g., an outside vendor, consultant or customer). Conduct prohibited by these policies is unacceptable in the workplace and in any workrelated setting outside the workplace, such as during business trips, business meetings and City business-related social events.

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This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of discrimination or harassment. The policies of the City prohibit disparate treatment on the basis of gender or any other protected characteristic. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

328.5 CONCLUSION

The City of Santa Barbara has developed this policy to ensure that all of its employees can work in an environment free from harassment, discrimination, and retaliation. In the event that charges are substantiated against an employee for violation of this policy, ignorance of this policy will not constitute an excuse or a defense to disciplinary action.

The City will make every reasonable effort to ensure that all employees are familiar with this policy and aware that any complaint in violation of such policy will be investigated and resolved appropriately. City employees' right to raise issues of discrimination and harassment includes the right to seek relief through federal Equal Employment Opportunity Commission (EEOC) or the State of California Department of Fair Employment and Housing (DFEH). However, in order to give the City the opportunity to correct discriminatory or harassing situations, employees are encouraged to exhaust the City's Employee Complaint Procedure, described below.

328.6 REPORTING HARASSMENT, DISCRIMINATION, OR RETALIATION

The City of Santa Barbara encourages reporting of all perceived incidents of discrimination, harassment, or retaliation based on membership in a protected class, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct, or have witnessed such conduct directed at another, should discuss it with someone trained to respond to such concerns.

The City encourages individuals who believe they are being subjected to discriminatory or harassing conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The City recognizes and respects, however, that an individual may have reasons for not wanting to address the offender directly, and may prefer to pursue the matter through the early intervention (informal) or formal complaint procedures.

The City encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established under this policy, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination or harassment. Employees should also be aware that certain statutes of limitations (time limits) apply to a legal cause of action (Contact the EEOC or DFEH for more information).

328.6.1 EARLY INTERVENTION (INFORMAL) COMPLAINT PROCEDURE

If an individual does not want to address the offender directly, or if such action does not successfully end the offensive conduct, an individual who believes he or she has been the victim of conduct prohibited by this policy (or believes he or she has witnessed such conduct) should discuss those concerns with any of the following people:

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- (a) His or her immediate supervisor,
 - (b) Any manager in the employee's Department,
 - (c) The Human Resources Manager or a Personnel Analyst,
 - (d) The EEO Officer in the City Administrator's Office. These people receive training in the appropriate response to such concerns. The supervisor or manager who receives a complaint will notify the Human Resources Manager (or the EEO Officer).
- The person receiving the complaint will ask if the individual wants to proceed formally or through the early intervention (informal) process. The informal process is designed primarily to provide a means to resolve the problem at the earliest possible date. An informal response to the concern may, if the individual so requests, include:
 - Talking to the alleged offender on the individual's behalf;
 - Seeking the removal of offensive visual material or the discontinuation of offensive verbal practices in the workplace, as appropriate; and/or
 - In instances in which an individual seeks only to discuss matters, counseling the employee about how to respond in an effective manner to end harassment.

An individual reporting harassment, discrimination, or retaliation should be aware, however, that the Human Resources Manager (or the EEO Officer) may decide it is necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual. The best course of action in any case will depend on many factors and, therefore, the informal procedure will remain flexible. Moreover, the informal procedure is not a required first step for the reporting individual.

328.6.2 THE FORMAL COMPLAINT PROCEDURE

The first step in a formal complaint is the same as in an informal complaint. Thus, if an individual does not want to address the offender directly, or if such action does not successfully end the offensive conduct, an individual who believes he or she has been the victim of conduct prohibited by this policy (or believes he or she has witnessed such conduct) should discuss those concerns with any of the following people:

- (a) His or her immediate supervisor,
- (b) Any manager in the employee's Department,
- (c) The Human Resources Manager or a Personnel Analyst,
- (d) The EEO Officer in the City Administrator's Office.

A supervisor or manager who receives a complaint will notify the Human Resources Manager (or the EEO Officer), and ask the individual if he or she wants to proceed formally or informally.

Any formally reported allegation of harassment, discrimination, or retaliation will be investigated promptly by one or more trained investigators. The investigation may include asking the individual to put a factual statement of the complaint in writing, individual interviews with the parties involved, a review of documents and, where necessary, interviews with individuals who may have observed the alleged conduct or may have other relevant knowledge. With the approval of the City Administrator, if the complainant fails to provide adequate information to support the allegation, the investigation may be

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discontinued. At the conclusion of the investigation, the Human Resources Manager (or EEO Officer) will review the findings, and a written report will be forwarded to the City Administrator and the City Attorney. The report will include the factual findings, a determination of whether a violation of the City's Non-discrimination and Harassment Policy occurred, and recommendations for corrective and disciplinary actions, if warranted. The City Administrator or his/her designee will inform the parties involved of the findings of the investigation and any remedial actions taken.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the City deems appropriate under the circumstances. The fact, but not the level, of discipline imposed on the offender will be disclosed to the individual making the complaint.

If a party to a complaint (either the complaining individual or the person accused of misconduct) does not agree with its resolution, that party may appeal to the City Administrator within seven days of receipt of the findings of the investigation. The City Administrator's decision will be final.

328.6.3 CONFIDENTIALITY, RETALIATION, MALICIOUS COMPLAINTS

The City will make every effort to ensure that confidentiality is maintained throughout the complaint and investigation process to the extent consistent with the law, adequate investigation, and appropriate corrective action. This means that the City will share confidential information only on a need-to-know basis.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a very serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

This is a very important policy and the City takes complaints seriously. False and malicious complaints of harassment, discrimination or retaliation, as opposed to complaints made in good faith that happen to be erroneous or unsubstantiated, may be the subject of appropriate disciplinary action.

328.7 INSTRUCTIONS FOR MANAGERS AND SUPERVISORS

As a management or supervisory employee of the City of Santa Barbara, by nature of your position of authority, you have a responsibility to promote and enforce the Nondiscrimination and Harassment Policy within the City. This duty extends to any situation that may violate this policy, whether the situation occurs within your area of responsibility or not, although the degree of your involvement may vary.

You are expected to be alert to any acts of discrimination or harassment and to take immediate and appropriate responsive action to prevent such harassment from continuing or reoccurring. This responsibility includes acts of harassment by managers, supervisors, coworkers, and by people who are not City employees, but are discriminating against or harassing an employee of the City during the performance of his or her job. This section of the policy is designed to provide you with the tools to respond appropriately to all such situations.

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Non-Discrimination and Harassment Policy & Employee Complaint Procedure

328.7.1 YOUR DUTY TO ENSURE A DISCRIMINATION AND HARASSMENT FREE

Your duty to address discrimination and harassment does not begin with a complaint by an employee. A supervisor or manager shall take all necessary steps to prevent discrimination and harassment from occurring, including but not limited to:

- (a) Understanding and being able to explain the City's Non-discrimination and Harassment Policy and Employee Complaint Procedure; (b) Setting an example of acceptable conduct by not participating in or provoking discriminatory or harassing behavior;
- (c) Demanding a working environment free from discriminatory intimidation, ridicule, or insult;
- (d) Ordering the immediate removal of visuals of a sexual or discriminatory nature;
- (e) Ordering the discontinuance of offensive verbal practice in the workplace;
- (f) Expressing strong disapproval of discriminatory or harassing practices; and
- (g) Being available to discuss an incident or concern about discrimination with any City employee.

A manager's or supervisor's failure to take appropriate action to prevent discrimination and harassment may subject the manager or supervisor to disciplinary action.

328.7.2 YOUR DUTY TO RESPOND TO COMPLAINTS (CHECKLIST)

Any City employee, not just the person allegedly being discriminated against or harassed, may initiate a complaint if he or she believes discrimination or harassment is occurring.

In all cases where an employee expresses concern to you about discrimination or harassment while at work, you should perform the functions on the following checklist:

- Provide the employee with a copy of the City's NON-DISCRIMINATION AND HARASSMENT POLICY AND EMPLOYEE COMPLAINT PROCEDURE (available under Human Resources on the Intranet), if he or she does not have it already;
- Explain that the City will make every effort to keep the information confidential on a need-to-know basis, to the extent consistent with the law, adequate investigation, and appropriate corrective action, and ask the employee to do the same;
- Take the complaint seriously, listen to the employee, take notes, and assure the employee that the City encourages and supports employees reporting this type of concern; remember that you are hearing only one side of the story and may or may not have all of the facts;
- Explain to the employee that he or she can request early intervention (informal) or formal review of the complaint; [Explain that every effort will be made to resolve the complaint at the lowest level possible and consistent with the desires of the person bringing forward the complaint. However, the City recognizes that under certain circumstances it has a legal obligation to ascertain where discrimination and/or harassment exist, irrespective of whether a formal complaint is actually filed. The Human Resources Manager (or EEO Officer) has the discretion to determine that a formal review and investigation will be conducted.]
- Advise the employee that the Human Resources Manager or EEO Officer will contact the employee for additional information and to answer any questions the employee may have;

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Non-Discrimination and Harassment Policy & Employee Complaint Procedure

- Assess whether intermediate measures are necessary to protect the employee from further harm pending resolution of the issue;
- Immediately report any and all complaints to the Department Head (unless that person is alleged to be involved in the misconduct) and to the Human Resources Manager (or EEO Officer);
- Provide any and all information that you may have in support of the complaint to the Human Resources Manager (or EEO Officer);
- Follow the complaint all the way to resolution, as guided by the Human Resources Manager, EEO Officer, or the Personnel Analyst assigned to the complaint;
- Document all interaction that you have related to the complaint, including counseling the complaining employee, warnings to the person accused of misconduct, orders to remove offensive materials, and any other corrective action taken;
- Ensure that the complaining employee is not subject to further discrimination/harassment or to retaliation.

328.8 ANNUAL EVALUATION QUESTIONNAIRE AND POLICY REVIEW

The Santa Barbara Police is committed to maintaining a workplace that is free of job based harassment and illegal discrimination. To this end, all employees are to support the department's commitment on this matter. Because all employees are covered under the City of Santa Barbara's "Non-Discrimination and Harassment Policy and Employee Complaint Procedure," all police supervisors will discuss this policy with their employees during the annual evaluation interview. All employees will be asked a series of questions through a Supplemental Questionnaire that will accompany the annual evaluation:

(a) "Are you aware of the City's commitment to maintain a workplace free of job based harassment and illegal discrimination?"

(b) "Do you understand the City of Santa Barbara's 'Non-Discrimination and Harassment Policy and Employee Complaint Procedure'?"

(c) "Do you have any questions regarding this policy?"

(d) "Do you know how to file a complaint should you ever have a problem with harassment, illegal discrimination, or other forms of inappropriate behavior?"

(e) "Are you aware of any behaviors in the workplace that are inconsistent with this policy?"

All employees shall answer these questions in a "check the box" yes or no format but will have an opportunity to more fully explain any answer during the annual evaluation interview. The supervisor will provide the employee a copy of the "Non-Discrimination and Harassment Policy and Employee Complaint Procedure." After reviewing the policy with the employee, the supervisor will check for any area in the Supplemental Questionnaire that needs clarification or explanation. If the employee answers "yes" to the last question, the supervisor will do some initial fact finding with the employee and will commence an investigation pursuant to our policy. The employee will sign the questionnaire which will accompany the employee's evaluation into the personnel file.

Child Abuse Reporting

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and procedures for reports of suspected child abuse and the taking of minors into protective custody.

330.1.1 DEFINITIONS

Child - A child is defined as a person under the age of 18.

Child Abuse -abuse is defined as a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual assault of a child or any act or omission proscribed by Section 273a P.C. (willful cruelty or unjustifiable punishment of a child) or 273d P.C. (corporal punishment or injury). It also means the neglect of a child or abuse in out-of-care homes as defined.

330.2 DEFINITIONS

For purposes of this section the following definitions are provided:

Child - A person under the age of 18 years.

Child abuse or neglect - Includes the following (Penal Code § 11165.6):

- Physical injury or death inflicted by other than accidental means upon a child by another person
- Sexual abuse as defined in Penal Code § 11165.1
- Neglect as defined in Penal Code § 11165.2
- The willful harming or injuring of a child or the endangering of the person or health of a child, as defined in Penal Code § 11165.3
- Unlawful corporal punishment or injury as defined in Penal Code § 11165.4

Child abuse or neglect does not include an altercation between minors. Child abuse or neglect does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

Child protective agency - A police or sheriff's department, a county probation department or a county welfare department. This section does not include school district police or security department.

330.2.1 TELEPHONIC REPORT

Any employee or officer, assigned with primary responsibility for the investigation of a suspected or actual child abuse case, shall immediately or as soon as practical make a telephonic report of the incident to the Welfare Department Child Protective Services Unit during business hours. After regular business hours the employee shall contact the "oncall" CPS worker through the Sheriff's Department Dispatch Center. Persons reporting a child abuse other than those required to do so by this act (child care custodians, medical practitioners, nonmedical practitioners, and employees of child protective agencies) are not required to include their names, and the identity of all persons who report under the article shall be confidential and disclosed only by court order or between child protective agencies or the probation department. Note: Persons reporting a child abuse other than

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those required to do so by this act (child care custodians, medical practitioners, nonmedical practitioners, and employees of child protective agencies) are not required to include their names, and the identity of all persons who report under the article shall be confidential and disclosed only by court order or between child protective agencies or the probation department.

330.3 WRITTEN REPORT

The Investigative Division shall be responsible for follow-up of all reported child abuse cases. Upon receipt of a report of a child abuse as defined in Part 4, Chapter 1, Article 2.5 of the Penal Code, the Investigative Division shall prepare a written report of the incident on the California State Form SS8572. Within 30 hours, copies shall be mailed to the Department of Justice and the Santa Barbara County Welfare Department Child Protective Services Unit, retaining a copy for our file. The Investigative Division shall be responsible for follow-up investigation of the incident and submission of California State Forms SS 8573 (Preliminary Investigation) and SS 8574 (Unfounded Child Abuse Report), as appropriate, upon conclusion of the investigation.

330.3.1 CONTACTING SUSPECTED CHILD ABUSE VICTIMS

An officer should not involuntarily detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless any of the following apply:

- (a) Exigent circumstances exist. For example:
 - 1. A reasonable belief that medical issues need to be addressed immediately.
 - 2. It is reasonably believed that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
- (b) A court order or warrant has been issued.

In all circumstances in which a suspected child abuse victim is contacted, it will be incumbent upon the investigating officer to articulate in the related reports the overall basis for the contact and what, if any, exigent circumstances exist.

Any juvenile 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).

330.3.2 RELEASE OF REPORTS

Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Penal Code § 11167.5 and Policy Manual § 810.

330.4 INVESTIGATION RESPONSIBILITY

The duties of the detectives assigned to investigate child abuse include but are not limited to:

- (a) Responsibility for the investigation, the collection of evidence and preliminary preparation for prosecution of all cases of child abuse and molestation.
- (b) Investigating the deaths of children that could be attributed to abuse or molestation.

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- (c) Investigating any instance of Sudden Unexplained Infant Death (SUID).
- (d) Investigating reports of unfit homes, child abandonment, child endangering or neglect.
- (e) Providing follow-up compliance calls on reports of suspected child abuse.
- (f) Providing appropriate training to patrol personnel.
- (g) Coordinating with other enforcement agencies, social service agencies and school administrators in the application and enforcement of the laws regarding child abuse cases.

330.5 TEMPORARY CUSTODY OF JUVENILES

Under specified circumstances described below, a minor may be taken into protective custody if he/she is the victim of suspected child abuse (Welfare and Institutions Code § 300 et seq.). Before taking any minor into protective custody the officer should make reasonable attempts to contact the appropriate child welfare authorities to ascertain any applicable history or current information concerning the minor.

An officer should consider taking a minor into protective custody under any of the following circumstances (Welfare and Institutions Code § 305 and Penal Code 279.6):

- (a) The officer reasonably believes the minor is a person described in Welfare and Institutions § 300, and further has good cause to believe that any of the following conditions exist:
 - 1. The minor has an immediate need for medical care.
 - 2. The minor 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 minor 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 minor into protective custody.
- (b) 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.
- (c) There is no lawful custodian available to take custody of the child.
- (d) There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
- (e) The child is an abducted child.
- (f) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 or 278.5.

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 minor or result in abduction. If this is not a reasonable option, the officer shall ensure the minor is delivered to the appropriate child welfare authority.

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

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330.6 REPORTING REQUIREMENTS

Any incident of suspected child abuse or severe neglect for which Santa Barbara Police Department conducts an investigation and for which it determines that the allegations of abuse or severe neglect are substantiated must be reported to the California Department of Justice (DOJ) (Penal Code § 11165.12). The investigating officer shall fully complete a DOJ Child Abuse or Severe Neglect Indexing Form ([BCIA 8583](#)) indicating the finding of possible child abuse or severe neglect. Detailed instructions for filling out the DOJ form may be found on the DOJ [website](#) (Penal Code § 11165.2; Penal Code § 11169).

The Administrative Services Lieutenant shall maintain the investigative reports pursuant to Penal Code § 11169 and shall promptly forward the completed BCIA 8583 to the DOJ. The Administrative Services Lieutenant shall also forward any subsequent information that changes the status of the case, for example, an acquittal or a decision that the allegation is unfounded.

330.7 NOTICE OF INCLUSION IN THE CHILD ABUSE CENTRAL INDEX (CACI)

Any time Santa Barbara Police Department forwards a Child Abuse or Severe Neglect Indexing Form to the California DOJ pursuant to Penal Code § 11169, the Administrative Services Lieutenant shall mail a notice to the suspect's last known address via certified mail stating that the suspect has been reported to CACI (Penal Code § 11169). The Administrative Services Lieutenant shall verify that such notice will not interfere with an active investigation. Officers may personally deliver the form to the suspect when applicable and should document this delivery in the appropriate report.

330.8 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX

Any person whose name was placed on the California's CACI as a result of an investigation by this agency may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI. All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer (Penal Code § 11169).

330.8.1 CACI HEARING OFFICER

The Investigative 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.

330.8.2 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

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- (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.

330.9 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.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including Child Protective Services, 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 their exposure to methamphetamine labs or the manufacture and trafficking of other drugs (Penal Code § 13879.80).
- (b) Activate the interagency response when an officer notifies the Detective 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.

330.9.2 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 Detective Bureau supervisor so an interagency response can begin.

Missing Person Reporting

332.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. Penal Code §§ 14200 through 14213 and §§ 14250 and 14251, as well as 42 USC 5779(a), specify certain requirements relating to missing persons.

332.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14213) the following:

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

Missing Person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14213).

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

332.2 REPORT ACCEPTANCE

All personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property (Penal Code § 14205(a)). Reports shall be taken on missing persons regardless of jurisdiction.

Patrol personnel should handle the initial missing person report. Department personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway. In cases involving a person at-risk or a child under 16- years of age, the Detective Bureau will begin an investigation after an initial search by patrol personnel.

In all cases involving a person at-risk or a child under 16 years of age the handling employee shall ensure that the Watch Commander and appropriate Detective Bureau supervisor shall be notified.

332.2.1 INVESTIGATION DILIGENCE

Members of this department shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of

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these reports over the handling of reports relating to crimes involving property. (Penal Code § 14205). The required actions include the following:

- (a) Make an assessment of reasonable steps to be taken to locate the person
- (b) If the missing person is under 16-years of age, or there is evidence the person is at-risk, the Department shall broadcast over the radio a "be-on-the-lookout" transmission without delay within this jurisdiction

The agency having jurisdiction over the missing person's residence normally will handle the case after the initial report is taken, however Department members may assist in the investigation on a person who was last seen in this jurisdiction.

332.2.2 PARENTAL ABDUCTION

When the abduction of a child by a non-custodial parent or their agent is reported to the Police Department, the person taking the Missing Person report shall also cause a Crime Incident report to be taken. The Crime Incident report shall be forwarded to the District Attorney's Office and the Investigative Division.

332.3 REQUIRED FORMS AND DNA COLLECTION KITS

The Investigative supervisor shall ensure the following 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:

- Missing Person Report Form
- Missing Person Investigation Checklist, providing investigation guidelines and resources available in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing Person School Notification Form
- Medical Records Release Form from the California Department of Justice
- Missing Person Report Form from the California Department of Justice
- DNA Missing Persons Specimen Collection Kits

332.4 MISSING PERSONS LOCATED

The investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

If a missing person under the age of 21 is located, the detective must ensure that a teletype is sent within 24-hours to the Department of Justice noting that information.

When all other missing persons are located, the detective (if the case has been assigned) must ensure that a teletype is sent within seven days to the Department of Justice noting that information. If no detective has yet been assigned Records Section personnel shall be responsible for sending the teletype.

The reporting party and other involved agencies should be notified. When any person reported missing is found the officer, dispatcher, or other designated employee shall immediately report that information by completing the appropriate section of the "SBPD Missing Person Report" form.

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332.5 REFERENCE CHART

	ENTRY INTO MUPS/ NCIC	BOLO TELETYPE	CORONER CHECK	DOJ FORM (SS 8567)	SEND DENTAL X-RAYS	SEND PHOTO	SCHOOL NOTICE
CHILD "AT-RISK"	Immediate	Without delay	Within 24 hours	Within 24 hours to DOJ	Within 24 hours to DOJ	Within 24 hours to DOJ	Within 10 days, written notice & photo
CHILD NOT "AT-RISK" (under 21)	Within 4 hours	Without delay	After 14 days immediate check	After 14 days, within 24 hours	After 14 days, within 24 hours	After 14 days, within 24 hours	Within 10 days, written notice & photo
ADULT "AT-RISK"	Within 4 hours	Without delay	After 45 days immediate check	Mandated after 45 days, but DOJ wants form ASAP	After 45 days	Not mandated	N/A
ADULT NOT "AT-RISK"	Within 45 days	DOJ suggests	After 45 days immediate check	After 45 days	After 45 days	Not mandated	N/A

332.6 SCHOOL NOTIFICATION

Education Code § 49068.6 requires law enforcement to notify the school in which the missing child is enrolled. The school shall "flag" a missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records.

332.6.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate. The reports should be promptly sent to Records Section.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.

332.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving employee shall:

- As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14205).
- Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.
- Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known (Penal Code § 14205).
- Forward a copy of the report to the Detective Bureau.

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332.7 DNA SAMPLE COLLECTION

- (a) In any case in which a report is taken concerning a person missing under high-risk circumstances, the assigned detective shall, within no more than 30 days, inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal item belonging to the missing person, if available (Penal Code §14250(c)).
- (b) Such samples shall be collected in a manner prescribed by the Department of Justice, using a DOJ model kit.
- (c) After 30 days, the reporting officer or assigned detective shall verify the status of the missing person. If still missing, the DNA sample and a copy of the original report and any supplemental reports shall be sent to the Department of Justice for testing and inclusion in the DNA database.

332.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report and notify the reporting party and other involved agencies.

The Administrative Services Lieutenant shall ensure that upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to California DOJ.
- (b) The missing child's school is notified.
- (c) Entries are made in the applicable missing person networks (Penal Code § 14207).
- (d) When a child under 12 years of age or a person who is at risk is found, the report of finding shall be made within 24 hours to the California Attorney General's Office (Penal Code § 14207(b)).
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation (Penal Code § 14207(b)).

332.9 CASE CLOSURE

The Detective 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 was a resident of Santa Barbara or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

Public Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Santa Barbara Police Department should notify their supervisor, Watch Commander or Detective 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.

334.3.2 DEFINITION

Abduction is defined as the following: An incident in which a child, 17 years of age or younger, or of proven mental or physical disability, who is reported to be involuntarily missing from the person(s) having care-taking responsibilities for the child.

334.3.3 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

334.3.4 AMBER ALERT CRITERIA (ALL OF THE FOLLOWING CONDITIONS MUST APPLY)

- (a) It has been confirmed that an abduction has occurred; and
 - (b) The victim is 17 years of age or younger, or of proven mental or physical disability; and
-

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(c) There is reason to believe the victim is in imminent danger of serious bodily injury or death; and

(d) There is sufficient information available that, if disseminated to the general public, could assist in the recovery of the victim.

334.4 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.

334.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code 8594(a)):

- (a) Abduction has been determined to have occurred.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

334.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
 - 1. The child's identity, age and description
 - 2. Photograph if available
 - 3. The suspect's identity, age and description, if known
 - 4. Pertinent vehicle description
 - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:

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

334.5 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.

334.5.1 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.

334.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
 1. The license number and/or any other available description or photograph of the vehicle
 2. Photograph, description and/or identification of the suspect
 3. The suspect's identity, age and description, if known
 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 2. The FBI local office

334.6 CASES NOT MEETING AMBER ALERT CRITERIA

EAS should be activated only in those child abduction cases meeting the mandatory AMBER Alert criteria. In cases that do not meet these criteria, agencies should continue to exercise discretion in determining which of the many other tools available would be the

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most appropriate for transmitting information and photos to other officers, the media and the public.

Agencies can still notify the media of such cases by using other standard news procedures, such as press releases or phone contact, or by transmitting an EDIS bulletin via CLETS, using priority level lower than FLASH, such as URGENT or NEWS. (For more information on these priority levels, contact the EDIS Web Site at www.edis.ca.gov).

Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The Santa Barbara Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. It is the goal of the Santa Barbara Police Department to facilitate such assistance through available government and private resources. Employees should remain sensitive to the needs of victims and witnesses.

336.2 POLICY

The Santa Barbara Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Santa Barbara 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.

336.2.1 VICTIM DEFINED

"Victim" shall mean a California resident or military person who is:

- (a) A person who sustains injury or death as a direct result of a crime
- (b) Legally dependent for support upon a person who sustains injury or death as a direct result of a crime
- (c) A family member or any person in close relationship to a victim who was present during the commission of the crime and whose treatment or presence during treatment of the victim is required for successful medical treatment
- (d) Any individual who legally assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result of a death caused by a crime

336.2.2 CRIME DEFINED

Crime shall mean a crime or public offense as defined in Penal Code § 15, which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when such resident is temporarily absent from the state. No act involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death shall constitute a crime of violence for the purposes of this article, except that a crime of violence shall include an:

- (a) Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle
- (b) Injury or death sustained in an accident caused by a driver in violation of Vehicle Code §§ 20001, 23152, or 23153
- (c) Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he/she knowingly and willingly participated
- (d) Injury or death caused by a person fleeing from law enforcement in a vehicle (Government Code § 13955(e)(2)(F))

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Victim and Witness Assistance

336.3 ADVISEMENT RESPONSIBILITY

Every employee reporting or investigating a crime where a victim has suffered direct or threatened physical, psychological or financial harm as a result of the commission or attempted commission of a crime or delinquent act will ensure the victim has been provided with information about the existence of the local victim centers. This may be accomplished by providing the victim the *Marsy's Card* with the case report number noted on the card (Cal. Penal Code § 679.026). A Victim of Violent Crime form should also be provided if the victim suffered an injury as a direct or proximate cause of that crime.

If for any reason the investigating employee is unable to complete the above notifications such fact shall be noted in the related case report and the notifications should be completed by the assigned detective.

The Records Manager is responsible for obtaining or publishing a *Marsy's Card* as described in Cal. Penal Code § 679.026 and making a sufficient supply of *Marsy's Cards* available to Santa Barbara Police Department employees.

336.3.1 REPORTING OFFICER RESPONSIBILITY

It shall be the primary responsibility of the reporting officer to make the required advisement as set forth in Policy Manual § 336.3, unless the circumstances are such that the advisement would add to the victim's or dependents' grief and suffering. Such advisement shall be made at a time and place where the victim is able to understand and appreciate its meaning.

336.3.2 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 their name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293 (a) and (b)). Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

336.3.3 DETECTIVE RESPONSIBILITY

In the event the victim cannot be identified or due to the nature of the injury cannot be advised, the investigating officer who later contacts or identifies the victim and/or dependents shall make the necessary advisement. The investigating officer shall use discretion and tact in making such advisement.

336.3.4 SUPERVISOR RESPONSIBILITY

It is the responsibility of any supervisor approving a written report where the victim of a crime has sustained injury to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished. The Detective Supervisor is then responsible to ensure that the proper advisement is accomplished and properly documented as the followup investigation is conducted.

336.3.5 COURT LIASON RESPONSIBILITY

The Police Department Court Liaison Officer, a civilian position in the Investigative Division shall be the primary liaison officer to the VictimWitness Assistance Program office, followed by the Detective assigned the case and the Deputy DA prosecuting. It shall be his/her

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responsibility to forward copies of police reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. Departmental policy §810, regarding release of reports, shall be followed in all cases.

336.4 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.

336.5 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 (42 USC § 3796gg).
- (d) 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.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U-Visa and T-Visa application processes.
- (i) Resources available for victims of identity theft.
- (j) A place for the officer's name, badge number and any applicable case or incident number.
- (k) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.05; Penal Code § 679.026).

336.6 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.

Hate Crimes

338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS

Hate crimes - Penal Code § 422.55(a) defines a hate crime as a criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Sex
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics
- (h) Examples of hate crimes include, but are not limited to:
 - 1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
 - 2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
 - 3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
 - 4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 245).

338.2.1 DEFINITION

A Hate Crime is defined as any act of intimidation, harassment, physical force, or the threat of physical force directed against any person, group, family, community, organization, or their property or advocate, motivated either in whole or in part by hostility to their race,

ethnic background, national origin, religious beliefs, gender, age, disability, sexual orientation, or political affiliation with the intention of causing fear, injury, or intimidation or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution

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Hate Crimes

or the laws of the United States or the State of California, whether or not performed under color of authority. It also includes acts committed in substantial part because the victim's) were perceived to have one or more of the above listed characteristics. The elements of Hate Crimes are identified in Penal Code Section 422.6.

338.2.2 IDENTIFICATION

Hate Crimes include violent or threatening acts directed at the person or property of any listed or similar individual or group. They include, but are not limited to, acts such as threatening phone calls, physical assaults, destruction of property, bomb threats and the

disturbance of religious meetings, as well as non-criminal acts such as name calling done with the apparent motive to harass, intimidate, threaten, retaliate or create conflict between groups having different personal characteristics such as race, religion, ethnicity or sexual orientation.

338.2.3 MOTIVATION

The motivation behind the act determines whether an incident is prejudice-based. When determining motivation, an officer must ask:

- (a) Why does the victim believe he/she was victimized?
- (b) Were words or symbols used, or acts performed, which are or may be considered to be offensive to the victim or a particular group?
- (c) Is there a history of similar acts or crimes directed against the same individual or group or against the person(s) with whom the victim is associated?
- (d) Does a meaningful portion of the community perceive the incident as prejudicebased?
- (e) If all the parties involved were of the same race, ethnicity, etc., would the incident still have occurred?

338.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Officers should make an affirmative effort to establish contact with persons and groups within the community, who are likely targets of hate crimes, to form and cooperate with prevention and response networks.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and follow-up as outlined below, including community follow-up.

338.3.1 DISPATCH PROCEDURE

Upon receiving a call for service involving a potential hate crime, as outlined in Sections II and III, a field unit will be dispatched to call as soon as reasonably practical. The communications specialist shall notify the watch commander of the potential hate crime investigation.

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338.3.2 STATION OFFICER

If a hate crime is reported to the station officer, an offense report shall be written and the watch commander notified. The hate crime box at the top of the offense report shall be checked.

338.3.3 FIELD OFFICERS

Field officers receiving or dispatched to an incident which is determined to be a hate crime shall document the incident on an offense report and check the hate crime box. Officers should consult with their supervisor to determine if immediate follow-up is appropriate or if

investigative personnel need to be notified. Dictated offense reports should be placed in the transcribers' dictation area in a "priority" slot. The field officer should ensure that victims of hate crimes are referred to appropriate victim assistance agencies.

338.3.4 WATCH COMMANDERS/FIELD SUPERVISORS

A watch commander or field supervisor who is advised of a suspected hate crime shall determine that the incident has been stabilized and will not escalate. Supervisors shall determine the extent of any follow-up investigation that is required, and notify appropriate

investigations personnel, if necessary. They shall ensure that all reports are completed in an appropriate time frame. The incident shall be logged in the Patrol Division Log.

338.3.5 INVESTIGATORS

Investigations personnel receiving documented hate crimes reports shall ensure that appropriate and timely follow-up investigation and/or court preparation is completed. All efforts should be made to arrest and prosecute the perpetrators of hate crimes. Detectives

assigned to the case shall keep the victim of the crime apprised of the case status.

338.3.6 RECORDS

Records personnel shall ensure that any mandatory state or federal reporting requirements are met.

338.4 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved
- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal

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authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))

- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation
- (f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift
- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

338.4.1 DETECTIVE BUREAU RESPONSIBILITY

If a case is assigned to the Detective Bureau, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate
- (b) Maintain contact with the victim(s) and other involved individuals as needed
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Attorney General upon request pursuant to Penal Code § 13023

338.5 TRAINING

All members of this department will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6.

Disciplinary Policy

340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide employees of this Department with guidelines for their conduct in order that they may participate in meeting the goals of this Department in serving the community. This policy shall apply to all sworn and non-sworn members of this Department (including part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action. City municipal Code Chapter 3.16 (Civil Service System), City Charter Article X (Civil Service System), and Government Code Section 30 et seq. contain limits and rights for employees. These laws shall apply to the Department and/or employees where appropriate.

340.2 DISCIPLINE POLICY

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

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within 24 hours of any change in residence address, home phone number, or marital status.
- (e) Absence from duty without authorization will be cause for forfeiture of pay for the time absent and/or other disciplinary action. Unauthorized absence for three (3) days or more will be deemed and held as a resignation unless otherwise directed by the Chief of Police.

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340.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- (c) Using departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to report activities which have resulted in official contact which may result in misdemeanor or felony criminal prosecution by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity.
- (i) Disclosing or soliciting for financial or personal gain any information, photograph or video obtained or accessed as a result of employment with the Department (Penal Code § 146g).
- (j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.
- (l) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.
- (n) Except members of their immediate family, Officers shall not post bail for persons under arrest without the consent of the Chief of Police.
- (o) Employees of the Department shall not conduct personal business while on duty.

340.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants

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- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

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- (n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
 - (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
 - (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.
 - (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
 - (r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
 - (s) Offer or acceptance of a bribe or gratuity.
 - (t) Misappropriation or misuse of public funds.
 - (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
 - (v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
 - (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
 - (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.
 - (y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
 - (z) Violating any misdemeanor or felony statute.
 - (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
 - (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
 - (ac) Failure to maintain required and current driver's license.
 - (ad) 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.
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340.3.6 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating departmental safety standards or safe working practices.

340.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

340.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

340.4.1 WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within ten days of receipt of the written reprimand. The Division Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final.

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340.5 POST INVESTIGATION PROCEDURES

340.5.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander shall review the entire investigative file, and any other relevant materials. However, in the event that the Chief of Police orders a Board of Inquiry, the Chair could be the Internal Affairs Sergeant, any Manager, Division Commander or even the Deputy Chief of Police. The Board will make recommendations to the Chief of Police.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

(b) When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation (actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference).

340.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, to be imposed.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written (Skelly) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or 3508.1):

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the Skelly notice.
 - 1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
 - 2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

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340.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This Skelly response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the Skelly response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issue(s) of information raised in any subsequent materials.
- (f) Once the employee has completed his/her Skelly response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Chief of Police has issued a written decision, the discipline shall become effective

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.8 POST SKELLY PROCEDURE

When a written reprimand is issued by the Chief of Police, the appropriate Division Commander shall insure that the following procedure is followed:

- (a) The reprimand be read by the concerned employee.
- (b) The original copy of the letter will be given to the employee.
- (c) The employee shall sign and date a copy of the letter.
- (d) The employee shall be advised of the opportunity to respond to the reprimand in writing within 30 days.
- (e) The signed copy will be filed in the employee's Department personnel file.

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340.8.1 DISPOSITION OF DEPARTMENT PROPERTY

In cases of a suspension of more than one day, and in all cases of dismissal, the employee shall surrender his badge, identification card, Department weapon and other Department property deemed appropriate to the supervisor executing the order. This property will be

delivered to the Community Services Commander, or his designate, for safekeeping. When an employee returns to duty from a suspension, he shall report to his Division Commander the last business day preceding the final day of suspension for reissuance of his

identification card, badge, weapon and other equipment.

340.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

- (a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the Skelly procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline
- (c) At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment
- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence
- (f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file
- (g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police

Use of Social Networking Websites

341.1 PURPOSE AND SCOPE

It is the policy of the Santa Barbara Police Department to comply with all existing laws and regulations regarding the use of social networking websites. When using social networking websites, on or off duty, personnel shall be governed by the ordinary and reasonable rules of good conduct and behavior and shall not commit any intentional, negligent, malicious or criminal act which may bring reproach or discredit upon the Police Department or the City of Santa Barbara. Department personnel shall at all times abide by the law enforcement code of ethics, Santa Barbara Police Department Canons, Policies, and Procedures.

341.2 PURPOSE

To establish a policy regarding the use of social networking websites that will protect the legal rights of both the Department and its employees.

341.3 DEFINITIONS

a) Social Networking Website: An Internet web site that provides a virtual community for people interested in a particular subject or communicating with each other. Members can create their own online "profile" with biographical data, pictures, likes, dislikes and any other information they choose to post. They communicate with each other by voice, chat, instant message, video conference and blogs, and the service typically provides a way for members to contact other members.

A "social networking website" is considered a "virtual community" where a group of individuals can use the Internet to communicate with each other about any topic. These include dating websites, friendship websites, websites with a business purpose, and hybrids that offer a combination of these. Examples of social networking websites include but are not limited to: Facebook, Myspace, Twitter, Second Life, and World of Warcraft.

b) Electronic Communication: Any kind of communications, created by, represented by, sent to, or stored by any user using any electronic communications system, including all information, data, and attachments to the communication.

c) Blog (a contraction of the term "weblog") is a type of website, usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video. Entries are commonly displayed in reverse-chronological order. "Blog" can also be used as a verb, meaning to maintain or add content to a blog.

d) Microblog is another type of blogging, featuring very short posts, such as 140 characters or less (example: twitter.com) staying connected in real time. Followers of a microblog typically "subscribe" to the microblog of another and automatically receive newly posted information.

e) Virtual Worlds: A computer simulated world where users can socialize, connect, play games and create an alternate reality. Users can interact with other users in real time. Users can be represented as themselves or fictional characters. Virtual worlds typically have "currency" which is specific to the website which can be purchased with real world money or earned by accomplishments.

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f) Pseudonym: A fictitious or "pen" name. This applies to "user names" or "user account identifications."

g) Personal Information: Any type of information that might lead to the identification of any individual. Examples include but are not limited to social security numbers, dates of birth, addresses, phone numbers, email addresses, drivers' license or other state identification numbers.

h) Electronic Media: Digital photos, audio recordings, videos or digital information.

i) Post or Posting: Text or digital information that is placed on a website. Message(s) sent to a news group.

j) Confidential Information. Electronic communication or media depicting the Department, its employees, crime scenes, internal videos, daily work activity, or any other information that is or could be sensitive to the Department or law enforcement in general. Electronic communication or media which could be considered personal or private or could potentially expose the Department to liability.

k) Proprietary Information. Any photographs, videos, written documents, digital information, or any information or work product created or obtained while an employee is on duty is the property of the Department.

l) Work Product: Anything created by a Department employee is the property of the Department. Examples may include, but are not limited to: photos, videos, audio recordings, electronic media, electronic communications, blog entries, depictions of the Department, its employees, crime scenes, internal videos, daily work activity, information sensitive to law enforcement, electronic files or documents, and information created or obtained during the performance of an employee's duties. Department work product may be public in nature and is subject to all Federal, State, and City laws, and Department Policies regarding its confidentiality and release.

341.4 RESPONSIBILITIES

341.4.1 SANTA BARBARA POLICE DEPARTMENT RESPONSIBILITIES

a) The Department has the responsibility to protect the rights of each employee regarding free speech and to understand that a balance must be maintained in order to protect mutual interests.

b) The Department shall provide each employee with training and/or access to training materials related to Departmentally-approved use of computer systems including approved uses of the Internet.

c) The Department shall make efforts to review the participation of employment applicants in social networking websites prior to employment. The Department may review the participation of current employees on a case-by-case basis arising from a citizen or administrative complaint.

d) The Department has the responsibility to protect the work product of each employee, its trademarks, proprietary information, confidential information, evidence and intellectual properties since employee conduct online can impact the Santa Barbara Police Department whether the employee is on or off duty.

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e) The Department has the responsibility to act upon violations of this policy by use of disciplinary procedures such as counseling, training, and including up to dismissal.

341.4.2 EMPLOYEE RESPONSIBILITIES

a) When using social networking websites, Department personnel shall be governed by the ordinary and reasonable rules of good conduct and behavior and shall not commit any intentional, negligent, malicious or criminal act which may bring reproach or discredit upon the Police Department or the City of Santa Barbara. Department personnel shall at all times abide by the law enforcement code of ethics, Santa Barbara Police Department Canons, Policies, and Procedures. There is no expectation of privacy in the use of social networking sites.

b) It is the responsibility of each employee to know and follow the Santa Barbara Police Department's Policy section 340 Department Computer Use and 702 Personal Communication Devices.

c) All electronic media created while on duty is the property of the Department and subject to all Federal law, State law, City codes, and Department Policy regarding its confidentiality and release. Employees are prohibited from posting voice recordings, dispatch tapes, crime scene photos, suspect photos or any electronic media created or obtained through their course of employment with the Santa Barbara Police Department. Dissemination outside of the Police Department is strictly prohibited without specific written authorization of the Chief of Police or his/her designee.

d) Employees are specifically prohibited from making Internet postings or web blogging that have the effect of impeaching their credibility as a witness or their credibility within the law enforcement community. Employees should use caution when identifying themselves as members of the Department, as postings which reflect negatively upon the Department or upon the employee may be the basis for disciplinary action.

e) Employees, on or off duty, who wish to post comments will not speak on behalf of the City of Santa Barbara unless approved by the Chief of Police. Where employees identify themselves as Santa Barbara Police employees and participate in social networking websites, virtual worlds, blogs, or micro-blogs, the employees shall clearly state they are communicating their own view points and not those of the Santa Barbara Police Department.

f) On-duty employees, who wish to post comments, pictures, or videos on any aspect or policy issue of the Santa Barbara Police Department must obtain prior authorization from the Chief of Police.

g) Employees are prohibited from posting any information about the Department, its employees, proprietary information, or work product, that could possibly compromise departmental security procedures or tactical considerations (security issues, layout of Department facility(s), weapons storage areas, communications equipment, staffing strength, work schedules, etc).

h) Employees are prohibited from posting electronic media containing the Santa Barbara Police Department's uniform, patch or insignia(s), trademarks, symbols or work product without prior authorization of the Chief of Police.

i) Each employee has a responsibility to protect confidential or proprietary information by not posting such information on social networking websites.

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j) These policies apply even if blogging is anonymous or under a pseudonym. If the employee identifies him/herself as a Department employee, the Department may take steps to determine the identity of the author.

k) Employees who are conducting investigations which are part of their normal duty assignment are specifically authorized to use social networking websites to aid in their investigation. For example, using pseudonyms for user name(s), locations, etc. to gain access to electronic communication(s) or information relevant to an investigation.

l) Employees who become aware of a violation of this policy shall notify a department supervisor or manager as soon as practical.

Department Computer Use

342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Santa Barbara Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

The In-house Information Technology Staff, Manager and four assistants have the express authority to inspect or review the System, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's Information Systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the System.

Reasons for inspection or review may include, but are not limited to: system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee or

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related to the employee's duties, an alleged or suspected violation of a Department policy, or a need to perform or provide a service when the employee is unavailable.

342.4 AGENCY PROPERTY

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

342.5 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

342.6 PROHIBITED AND INAPPROPRIATE USE - INTERNET

Internet access provided by the Department shall be strictly monitored by each employee. It is each individual employee's responsibility to use the internet appropriately and protect the department system from outside intrusion. As such, accessing personal email accounts from outside department providers is prohibited. An internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but is not limited to, adult forums, pornography, "chat rooms", executable code files, and similar or related web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment. Downloaded information shall be limited to messages, mail, and photographs. No copyrighted and/or unlicensed software program files shall be downloaded. Employees shall report any unauthorized access to the System, or suspected intrusion from outside sources (including the Internet), to a supervisor.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

Report Preparation

344.1 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.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report
- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the dispatcher's log
- (c) In every case where any force is used against any person by police personnel
- (d) All incidents involving domestic violence
- (e) All arrests

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344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms and Qualification Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

344.2.4 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. Photographs of the scene of an injury shall be taken in addition to making the report when:

- (a) the injured person indicates that a defective condition of City property may have caused the injury,
- (b) or there are indications that the defective condition of City property might have caused the injury. .

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose

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- (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.

344.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Section shall notify the California State Department of Health Services of the incident, including the nature of the injury, on a form provided by the state. Forms may be obtained from DHS Epidemiology and Prevention for Injury Control (EPIC) Branch, Tel: (910) 552-9849 (Penal Code § 23685).

344.2.7 TAKING REPORTS AT THE STATION

When a person appears at the station and wishes to report an incident, the Police Station Officer or other employee shall complete the appropriate report. When the taking of the report is beyond the capability of the Police Records specialists, they shall seek the advice

of the Watch Commander.

344.2.8 TELEPHONIC REPORTS

Reporting of the following incidents may be taken telephonically when no unusual circumstances exists which require a field investigation:

- (a) Minor thefts and thefts from vehicles when no physical evidence is present and suspects are unknown.
- (b) Disturbances and other minor crimes which are reported the following day.
- (c) Missing persons when approved by the Watch Commander.
- (d) Obscene or annoying telephone calls.
- (e) Lost property.
- (f) Incidents which are reported for purposes of mere documentation.

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.

344.3 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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344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

344.3.2 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.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 HOLDING REPORTS

Generally, reports and citations shall be completed and turned in prior to completion of each tour of duty or the report face sheet of the report shall be completed and submitted according to the following procedure. The intent of this policy is to reduce the number of missing cases, enhance the timely notification to Investigative/Traffic personnel regarding possible felony cases, and increase supervisors' awareness of officers' workloads and how officers are managing these workloads.

344.5.1 HELD REPORT PROCEDURE "" MISDEMEANOR OR INCIDENT REPORTS

(a) Obtain verbal approval from the Watch Commander or Watch Sergeant to hold the report.

(b) Secure and complete a "Held Report Form" for each report to be held.

(c) Paper clip the completed form to the front of the Incident Report face sheet in an area not covering the victim's name or case number. The face sheet is the only part of the report that must be completed.

(d) Photocopy the face sheet with the "Held Report" form attached.

(e) Turn in the photocopy to Records.

(f) Place the held report, original face sheet, and any accompanying documents, with the "Held Report" form still attached, in the appropriate bin in the Watch Commander's/Sergeant's Office.

(g) All held reports will be completed the following shift unless subsequent approval to hold the report for an additional day has been obtained. As a rule, all reports will be completed before the end of the work week.

344.5.2 HELD REPORT PROCEDURE "" FELONY

(a) Obtain verbal approval from the Watch Commander or Watch Sergeant to hold the report.

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- (b) Secure and complete a "Held Report Form" for each report to be held.
- (c) Paper clip the completed form to the front of the Incident Report face sheet in an area not covering the victim's name or case number. The face sheet is the only part of the report that must be completed.
- (d) Make two photocopies of the face sheet with the "Held Report" form attached.
- (e) Turn in one photocopy to Records and distribute the second copy to the appropriate Investigative Division detail supervisor or the Traffic Accident Investigator.
- (f) Place the held report, original face sheet, and any accompanying documents, with the "Held Report" form still attached, in the appropriate bin in the Watch Commander's/Sergeant's Office.
- (g) All held reports will be completed the following shift unless subsequent approval to hold the report for an additional day has been obtained. As a rule, all reports will be completed before the end of the work week.

344.5.3 ARREST REPORTS AND ACTIVE FELONY CASES

All arrest reports and active felony cases with suspect information will be completed and turned in to transcription prior to the end of the officer's shift. In extreme cases of hardship, exceptions to this policy can be approved by the on-duty Watch Commander. In these instances, personnel shall follow the Department's Held Report policy described in § 344.52.

344.5.4 RECORDS PERSONNEL PROCEDURE

- (a) When a held report face sheet copy is received, a letter "H" will be placed next to the case number in the Case Number Log Book (this will preclude the placement of this case number in the Missing Case Book).
- (b) The face sheet copy will be placed in the case folder without any further processing. (No copies of this report copy shall be distributed to the public.)
- (c) When the original case is received, and placed in the case folder, the face sheet copy will be purged.

News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 FORMAL NEWS RELEASE

The formal news release is a prepared statement of fact, written or presented orally, based on an evaluation of available data concerning a newsworthy item or event. Responsibility for the preparation and distribution of the formal news release shall rest with, the Public Information Officer, a Division Commander or a designee, or an employee designated by the Chief of Police.

When a formal release is prepared, it shall be impartially distributed at the same time to all legitimate representatives of the news media. There shall be no exception to this policy without the express consent of the Chief of Police. A copy of the news release shall be forwarded to the Public Information Officer for filing and recording.

346.2.2 INFORMAL NEWS RELEASE

Although nothing in this policy is intended to preclude an employee of this Department from communicating in any form whatsoever with representatives of the news media, employees should be aware that they are responsible for what they may say or write as a member of this Department. Employees must exercise discretion with respect to information of a nature that cannot and should not be divulged, but they must also recognize the importance of releasing promptly to news media representatives such information as is permissible. Consideration must be given in all cases to: Statutory restraints on disclosing certain confidential information.

Judicial restraints which have the force and effect of law.

Security of life and/or property where circumstances indicate imminent peril.

Making statements which are factual and not conjecture or opinions, unless the latter are openly stated as such.

Investigations which may be materially jeopardized by public statements.

346.2.3 NEWS CONFERENCE

No member of this Department shall call a news conference without the express consent of the Chief of Police.

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In matters necessitating a news conference of essentially local concern, the local news media representatives shall under normal circumstances be informed by the Public Information Officer by the most expedient means of the time and place and the reason for the news conference.

In matters involving news media representatives from other areas, including national and international wire services, the Public Information Officer shall prepare a formal news release announcing the time and place and reason for the news conference. This news release shall be distributed in the normal manner.

346.2.4 NIXLE AND OTHER WEB BASED MEDIA

The Santa Barbara Police Department has a Community Notification Service called "Nixle" to improve communication with people who live, work, and visit our area. The system provides a quick, efficient, and secure way to get neighborhood-level information out to community members who subscribe to the system. Through www.nixle.com, the department will be able to send text message (SMS) and e-mail alerts to subscribers in a specific area. To maintain the credibility of information that is generated by this department, ALL non-emergency News Releases shall be routed through the Public Information Officer, or his/her designee. For after hours or urgent releases of information, the release shall be authorized and approved by the on duty Watch Commander or respective Division Commander.

Notifications might be considered in the following instances:

- a) A young child or adult with Alzheimer's disease walks away from their home. The alert can include a picture of the child or vulnerable adult with a map identifying the area at which they were last seen.
- b) A public safety emergency requires people to stay in or remain away from their homes. A Nixle alert can let residents with a registered address in the affected neighborhood know what's happening, allowing residents to take a proactive role in their own safety.
- c) A serious injury or fatal crash in which traffic investigators close down the intersection for several hours during the morning commute. This situation might warrant a notification to subscribers who live or work in the area, encouraging them to select a different route to work.
- d) Current crime trends and requests to identify possible suspects.
- e) Other uses: Traffic safety implications around large fire scenes, community events such as parades, fireworks, picnics, etc.

Through Nixle, we will deliver messages securely to citizens by e-mail and cell phone, supporting and expanding our community outreach efforts. Obviously, the system will be most effective when we have large numbers of subscribers. The Chief has approved the use of an E-mail add-on at the bottom of our emails to increase awareness. Nixle is a secure communications service available to municipal, county, and state government agencies. The system is available at no cost to our citizens (standard text message rates apply for subscribers who do not have text plans with their cell phone providers).

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346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
 - 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

346.3.1 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.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. This log will generally contain the following information:

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- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.)

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information (See Policy Manual § 1026)
 - 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.
 - (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)
 - (c) Criminal history information
 - (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
 - (e) Information pertaining to pending litigation involving this department
 - (f) Information obtained in confidence
 - (g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).
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346.5 STATEMENTS AND PUBLIC ADDRESSES

Employees of the Department shall not address public gatherings or release for publication any written material or photographs concerning the operations, plans, policies, or affairs or administration of the Department unless previously authorized and approved by the Chief of Police. Nothing in the regulation is intended to preclude an officer of this Department from communicating proper and appropriate news information to representatives of the news media as delineated by the Department press policy.

Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized departmental agent (Government Code § 68097.1 and Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

The Records Section Manager and Supervisor shall be responsible for receiving subpoenas for all employees of the Police Department and shall maintain a Subpoena Intake Log recording date, time, person receiving, and the date, time, name of the subpoenaed employee, and the Division to which the subpoena has been forwarded for service.

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- (a) Only the employee named in a subpoena, his/her immediate supervisor or the department subpoena clerk shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

This order does not relieve a subpoenaed employee from the responsibility of contacting the Witness-Coordinator to determine the status of the case on the day preceding the date set for trial.

348.2.4 INABILITY TO COMPLY WITH SUBPOENA

In the event an employee is unable to comply with a subpoena, a Declaration of Unavailability shall be completed by the employee. Valid reasons for requesting a continuance include but are not limited to: extended illness, previously approved Department assigned training, military service, and vacations which had been scheduled and approved before receipt of the subpoena. Regular scheduled days off is not a valid reasons for requesting a continuance or missing court. The Declaration will be presented ex-parte to the Commissioner upon receipt. A copy of the Commissioner's ruling will be returned to the employee; if continued, it will include a new subpoena. This process is in compliance with PC §1050(b)(1), which requires at least two court days notice to all parties to the proceeding.

In the event circumstances or new facts arise to cause an application for dismissal of charges pursuant to PC 1385, the subpoenaed employee or a supervisor shall complete a Motion for Dismissal. A copy of the subpoena shall be attached to the Motion for Dismissal. Valid reasons for requestion a dismissal include the transfer of the officer to another geographic location, or specific new facts or information which substantially change or inhibit the ability to prosecute the case. Regular scheduled days off is not a valid reason for requesting a dismissal. Simply entering IN THE INTEREST OF JUSTICE is inadequate for this process, and shall not be used by the applicant. If the case is not dismissed, the Court will notify the subpoenaed employee.

348.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

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348.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Santa Barbara Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

348.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

348.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

348.3.1 PROCEDURE

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE

The City will compensate officers who appear in their official capacity on civil matters as directed by the current Memorandum of Understanding. The City will reimburse any officer for reasonable and necessary travel expenses.

The City will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

348.3.3 PROCEDURE

To assure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the City's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

348.3.4 WITNESS FEES FOR EMPLOYEES IN CIVIL ACTIONS

California Government Code Section 68097.2 provides for cities to recover certain costs for employees who respond to civil subpoenas arising out of the course of their employment. Litigants who subpoena employees must post deposits with the Courts. The Department pays the employees' expenses and the Business Office must be notified of the time and expenses involved in order to process claims with the Courts. The following procedures must be followed to insure that the Department and employees recover expenses:

(a) Any employee who accepts a civil subpoena for himself or on behalf of a subordinate shall route a copy of each subpoena to the Business Office at the time it is received.

(b) Employees attending civil court during normal working hours shall advise the Business Office by memo and have their supervisor or time keeper note the time book in the remarks

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section of the hours missed from duty due to the appearance. Any travel or meal expenses should be submitted on an expense form (SBPD Form No. 2.3) promptly.

(c) Employees attending civil court outside scheduled working hours shall have their supervisor or time keeper note overtime hours in the time book, noting the civil case name. A memo should be submitted to the Business Office advising of the hours and the parties' names.

348.4 OVERTIME APPEARANCES

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee's Memorandum of Understanding.

Employees on court duty will not be compensated during lunch breaks unless the employee is directed by the District Attorney or a supervisor to perform work during the lunch break. The approval of this overtime shall be accomplished by either a Sergeant or Lieutenant from the division in which the employee works.

Employees are required to contact either a Sergeant or Lieutenant of their respective division, notifying them of their reporting for duty for court and when their presence is no longer needed.

348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

348.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

Reserve Officers

350.1 PURPOSE AND SCOPE

The Santa Barbara Police Reserve Corps was established to supplement and assist regular sworn police officers in their duties. The Corps provides sworn volunteer Reserve Officers who can augment regular police staffing levels. The Santa Barbara City Ordinance Number 3010, 1964 Municipal Code Chapter 9.114 provides for the creation of a Police Reserve Corps; sets forth powers, duties, stipend, and restrictions applicable to members thereof; and provides a penalty for misrepresentation of membership therein.

350.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS

The Santa Barbara 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.

350.2.1 PROCEDURE

All applicants shall be required to meet the same selection standards as full-time regular police officers before appointment. Before appointment to the Police Reserve Corps, an applicant must have completed, or be in the process of completing, a P.O.S.T. Level I, II, or III certification course or basic academy.

350.2.2 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.

350.2.3 STIPENDS FOR POLICE RESERVE OFFICERS

Stipends for Reserve Officers are provided as follows:

- (a) A \$50 stipend is paid to Reserve Officers. An additional \$50 stipend is paid to the Reserve Lieutenant and Reserve Sergeants.
- (b) All Reserve Officer appointees are issued the same designated attire and safety equipment issued to regular police officers. All property issued to the Reserve Officer shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform allowance equal to that of regular officers.
- (c) The Reserve Corps is a volunteer organization under the criteria set forth in the Fair Labor Standards Act (FLSA), and as such, no compensation is authorized for services by members in the regular performance of duty.

Medical attention and hospitalization shall be provided to members of the Corps for injuries sustained only during the assigned tour of duty or during training, as well as compensation for loss of earnings due to such injuries, in accordance with Section 9.114.140 of the Santa Barbara Municipal Code.

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350.2.4 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 Human Resources Department prior to an employee serving in a reserve or volunteer capacity (29 C.F.R.553.30).

350.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

350.3.1 ON DUTY

A member of the Corps, when on duty as assigned by the Chief of Police or his/her duly authorized representative, shall have the authority to direct traffic in accordance with the provision of the ordinances of the City of Santa Barbara and the laws of the State of California. The Reserve Officer shall have the same general power of arrest as any regular Police Officer as delineated in Section 830.6 of the Penal Code, subject, however, to any limitation which said Chief, or his duly authorized representative may impose.

350.3.2 OFF DUTY

When on off-duty status, members of the Reserve Corps have only the same general power of arrest as that of any private person within the state.

350.3.3 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 or she shall become thoroughly familiar with these policies. Whenever a rule, regulation, or guideline in the Santa Barbara Police Department Policy Manual refers to a sworn regular police officer, it shall also apply to a sworn Reserve Officer unless, by its nature, it is inapplicable.

350.3.4 RESERVE OFFICER ASSIGNMENTS

All Police Reserve Officers will be assigned to duties by the Reserve Corps Advisor or his or her designee.

350.3.5 RESERVE ADVISOR

The Chief of Police shall delegate the responsibility for administering and managing the Reserve Corps to the Patrol Assistant Division Commander.

350.3.6 RESERVE SUPERVISOR

The Patrol Administrative Sergeant is responsible for supervising the Reserve Coordinator, and supervising and overseeing the Reserve Corps.

350.3.7 RESERVE COORDINATOR

The Reserve Coordinator is a Police Officer II Specialty Position as outlined in Section 1028.2 of this manual.

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The Reserve Corps Coordinator shall have the responsibility of overseeing the Reserve Corps, including, but not be limited to:

- (a) Assignment of Reserve personnel.
- (b) Conducting Reserve Officer meetings.
- (c) Establish and maintain a reserve call-out roster.
- (d) Maintain and ensure performance evaluations are completed.
- (e) Monitor individual reserve officer performance.
- (f) Monitor overall Reserve Program.
- (g) Maintain liaison with other agencies Reserve Coordinators.

350.4 FIELD TRAINING

Officers of this Department, who demonstrate a desire and ability to train Reserve Officers, may train level II and III reserves, subject to Watch Commander approval.

350.4.1 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 Department. 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."

350.4.2 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 a police officer with the Santa Barbara 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.

350.5 RESERVE LEVELS

The following are the minimum requirements for the levels of Reserve Officers

350.5.1 LEVEL III

Successfully complete and meet P.O.S.T. training standards for Level III Reserve Officer. Supervised at all times; not allowed duties likely to result in a physical arrest except for specified duties including: prisoner transport, security at parades and sporting events, report taking, evidence transportation, and prisoner transportation (without immediate supervision)

350.5.2 LEVEL II

Successfully complete and meet P.O.S.T. training standards for Level I or II Reserve Officer. Supervised by a Police Officer; General Law Enforcement duties

350.5.3 RESERVE OFFICER POSITIONS

The following Reserve Officer positions are recognized within the Reserve Corps:

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(a) The Reserve Lieutenant assists the Reserve Advisor, or his/her designee, with overseeing the functions of the Reserve Corps. His/her primary responsibility is the staff supervision of all Reserve Corps activities. He/she directs and coordinates the operations of the Corps and is the immediate supervisor of the Reserve Sergeants. He/she shall assist in the administration and all activities pertaining to the Corps, as directed by the Reserve Advisor or his/her designee.

(b) The Reserve Sergeant shall be a squad leader, and is responsible for supervising the Reserve Officer members of his/her squad. He/she shall assist the Reserve Lieutenant in the administrative functions and activities of the Corps.

(c) The Reserve Officer II shall be an assistant squad leader under the supervision of a Reserve Sergeant. He/she will assist the Reserve Sergeant in administration and supervision of a squad of Reserve Officers and in other tasks as assigned by his/her Reserve Sergeant. In the absence of the Sergeant, the Reserve Officer II shall perform as an acting Sergeant.

(d) The Reserve Officer is a sworn volunteer Police Officer who performs a civic duty assisting the full-time Officers in their assigned duties. The Reserve Officer serves the community without compensation and fills the void when additional Officers are needed. His/her immediate supervisor in the chain of command is his /her Reserve Sergeant Squad Leader.

Promotions to Reserve Officer II, Reserve Sergeant and Reserve Lieutenant will be based on the overall qualifications of an individual candidate, as recommended by the Reserve Supervisor and Reserve Coordinator, with the approval of the Reserve Advisor.

350.6 SUPERVISION OF RESERVE OFFICERS

Penal Code § 832.6 (a) (2) requires that a Level II Reserve Officer be under the immediate supervision of a regular sworn officer who possesses a P.O.S.T. Certificate, except when the reserve officer is performing the duties as a Level III described in paragraph (3). Penal code § 832.6(b)(3) requires that a Level III Reserve Officer be supervised in the accessible vicinity of a regular sworn officer who possesses a P.O.S.T. certificate. Level III reserves may perform limited support duties.

350.6.1 ATTENDANCE

Required volunteer time for Reserve Officers is twelve hours per month. This includes one (1) monthly assignment of at least ten (10) hours and the attendance of a two (2) hour monthly business, training meeting. The assignment will consist of duties authorized in section 350.5 of this manual and/or other administrative duties authorized by the Reserve Advisor or his/her designee. A Reserve Officer is expected to notify his or her squad leader or the Reserve Lieutenant when attendance at a monthly meeting is not possible. The reasons for the absences will be examined on a case by case basis as to their merit. Repeated absences may result in discipline, including termination, when such absences are judged to be without merit and cause the Reserve Officer to miss needed departmental training. Leaves of absence will be granted by the Chief of Police upon recommendations of the Reserve Advisor and Reserve Lieutenant.

350.6.2 IDENTIFICATION OF RESERVE OFFICERS

All Santa Barbara Police Reserve Officers will be issued a uniform badge and a Police Department identification card. The uniform badge and identification card will be the standard Police Officer badge and identification card with the exception that "Reserve" will

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be indicated on the badge and card. The badge and identification card will be returned to the Police Department upon resignation or termination as a Reserve Officer.

350.6.3 UNIFORM

The uniform and equipment for members of the Police Reserve Corps shall be the same as the Regular Police Officer's with the exception of the cap piece and badge, which will be the duly authorized Reserve Corps cap piece and badge. The Reserve Lieutenant, Reserve Sergeants, and Reserve Officer II's, will wear collar rank insignia only when on duty in a supervisory capacity with the Reserve Corps. When riding as a second person on patrol, or other patrol type duties, as outlined in Section 350.5 of this manual, they will not wear any rank insignia. Reserves shall receive a yearly uniform allowance equal to that of regular officers.

350.6.4 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 Advisor or his/her designee, at the discretion of the Patrol Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et. Seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name. Any disciplinary action which may have to be administered to a Reserve Officer shall be accomplished as outlined in the Policy manual.

The Chief of Police may terminate the membership of any member of the Corps at any time for what the Chief considers a good and sufficient reason.

350.7 FIREARMS REQUIREMENTS

Penal Code § 830.6(a) (1) designates a Police 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 § 836.6.

350.7.1 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 provided they meet the required firearm training as outlined in section 350.73 of this code.

350.7.2 CONCEALED FIREARMS PROHIBITED

No Reserve Officer will be permitted to carry a concealed firearm while in an off-duty capacity, 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, be inspected and certified as fit for service by a Departmental Range master. Before being allowed to carry any optional firearm during an assigned tour of duty, the Reserve Officer shall have demonstrated his/her proficiency with said weapon.

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350.7.3 RESERVE OFFICER FIREARM TRAINING

All Police Reserve Officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve Officers shall comply with all areas of the firearms training section of the Policy manual, with the following exceptions:

- (a) All Reserve Officers are required to qualify quarterly.
- (b) Reserve Officers may fire at the Department approved range at least once each month and more often with the approval of the Reserve Advisor or his/her designee.
- (c) Should a Reserve Officer fail to qualify over a two-month period, that Reserve Officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

350.8 EMERGENCY CALL-OUT FOR RESERVE OFFICER PERSONNEL

The Reserve Advisor, or his/her designee, shall develop a plan outlining an emergency call-out procedure for Reserve personnel.

Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The Santa Barbara Police Department may be requested to assist other agencies. The Department may also request an outside agency to provide assistance. The City and County have also entered into joint use agreements for designated areas. Our policy is to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this agency.

352.1.1 ASSISTING OUTSIDE AGENCIES

The Watch Commander may assign up to one half of his available force to assist any outside agency within the County when requested. Upon receiving an emergency (11 99) request, the Watch Commander may assign as many units as are needed to temporarily assist. Requests for aid in excess of the above must be approved by a staff officer.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

All requests for mutual aid assistance, other than an officer needs help situation (11 99), must originate from the Chief of Police or, during his/her absence, the Staff Officer acting in his/her stead.

The Sheriff of Santa Barbara County has been designated as the coordinator for mutual aid assistance within the County. All requests for mutual aid assistance shall be directed to the office of the Sheriff during normal business hours. At any other time, the Watch Commander on duty in the Santa Barbara Sheriff's Office has been delegated the responsibility for this duty. See Section 4/800, Unusual Occurrences, for details.

352.1.3 ARROYO BURRO BEACH COUNTY PARK AID AGREEMENT

Arroyo Burro County Beach is a County island area within the City limits and as such the Police Department has agreed with the Sheriff to provide emergency and other law enforcement aid to the park. As such, the Watch Commanders and field supervisors should communicate with the Sheriff's Watch Officer and field supervisors concerning problems involving enforcement at the park. (a) The Police Department will respond to and handle emergency incidents within the park as 911 reaches the Police Department Communications Center.

(b) The Police Department will provide routine patrol within the park and will enforce on view violations with the exception of parking violations. Parking enforcement is the responsibility of the County Park Ranger and/or Sheriff's Department.

(c) The Sheriff will respond to and investigate all non emergency report calls, provide routine patrol, and enforce on view violations within and immediately outside the park confines.

(d) All extra patrol and investigations needed within the park will be handled by the Sheriff's Department, such as requests for assistance by the Ranger.

(e) The Police Department will provide documentation of motor vehicle collisions occurring within the park.

Megan's Law

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Santa Barbara 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.

356.2 DEPARTMENTAL DISSEMINATION OF INFORMATION

Whenever this department determines that it is necessary to provide information to the public regarding a person required to register as a sex offender pursuant to Penal Code § 290 in order to ensure the public safety, such information may only be released by means determined by the Chief of Police to be appropriate (Penal Code § 290.45(a)(1)).

Officers shall obtain approval from a supervisor prior to the public release of any information regarding a registered sex offender. Under exigent circumstances, an officer may release the information without prior supervisory approval, however, a supervisor shall be notified of the information release as soon thereafter as is practical.

Included with all public disclosures of information about any registered sex offender will be a statement that the purpose of the release is to allow members of the public to protect themselves and their children from sex offenders (Penal Code § 290.45(a)(2)).

356.3 REGISTRATION

The Detective 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. Employees 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 (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

356.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph and any other information required by applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

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356.4 MONITORING OF REGISTERED OFFENDERS

The Detective 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.

The Detective Bureau Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Santa Barbara Police Department personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Santa Barbara Police Department's website.

The Administrative Services Lieutenant may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

356.5.1 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 § 290.46):

- (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)(1).

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356.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

Major Incident Notification

358.1 PURPOSE AND SCOPE

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. Incidents that are of significant nature and that fall into listed criteria require notification to certain members of this Department. It is critical that Staff members are informed of certain incidents in order to apprise their superiors and properly address inquiries from members of the press.

358.2 POLICY

The Santa Barbara Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 NOTIFICATION OF INVESTIGATORS

When Investigative Division personnel are on duty, the Watch Commander will make immediate notification after receiving a report of:

- (a) Homicide or suspicious death(s).
- (b) Assaults where victim is likely to die.
- (c) Kidnapping.
- (d) Bombings.
- (e) Officer involved in a shooting with death or injury.
- (f) Missing child under age of twelve years where there is any indication of foul play.
- (g) Any major case where a prompt follow-up would facilitate the investigation.

When an Investigator is not available on regular duty, all requests for off-duty Investigative personnel response must be authorized by the detail supervisor or the Investigative Division Commander.

358.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Chief of Police shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

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Major Incident Notification

358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

358.4.3 TRAFFIC SECTION NOTIFICATION

In the event of a traffic collision involving the following circumstances:

- (a) Fatality
- (b) Potential fatality
- (c) Critical injury with admission to hospital
- (d) Anticipated felony prosecution
- (e) Officer involved collision with injury
- (f) Any collision involving significant city liability
- (g) Any collision that results in the spillage of hazardous material which seriously threatens life or property

The Assistant Division Patrol Commander or supervisor of the Traffic Section will be notified immediately. It shall be the responsibility of the Assistant Division Patrol Commander or the Traffic Supervisor to evaluate the need for follow-up investigation and provide for the response of a qualified Traffic Investigator, if necessary.

358.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

360.1 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.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

360.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities.).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).
- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.

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- (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.

360.2.2 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.

360.2.3 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.

360.2.4 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.

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

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360.2.7 DISPOSITION OF PROPERTY

(a) Suicide Notes. Original suicide notes shall be retained by the Sheriff-Coroner. Portions of suicide notes pertaining to the suicidal act shall be quoted in the officer's report.

(b) Poisons and Drugs. All poisons, drugs and their containers suspected of being connected with suicide cases shall be turned over to the Sheriff-Coroner at the scene.

(c) Firearms. All suspected suicide firearms shall be booked as evidence by the investigating officer.

360.3 NON-CORONER CASES

When an investigation reveals that the dead body does not come within the jurisdiction of the Sheriff-Coroner, the assigned officer shall allow relatives, if present, to contact the funeral establishment of their choice. The officer may request the response of the on-call

funeral establishment through the Sheriff-Coroner when relatives are unable to make a choice. The responsibility for the removal of the dead body shall rest with the Sheriff-Coroner.

360.4 DEAD BODIES EXPOSED TO PUBLIC VIEW

If conditions at the scene are such that the officer feels the victim should be moved; e.g., offensive to the public, impeding traffic, etc., the officer shall cover the body and obtain the consent of the Sheriff-Coroner before removing the body.

Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers 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.

Private Persons Arrests

364.1 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.

364.2 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.

364.3 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.

364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
 - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should

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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

364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Cases Involving Animals

365.1 PURPOSE AND SCOPE

From time to time Officers will deal with have contact with animals during the performance of their duties. This section sets policy and procedure during those contacts.

365.1.1 STRAY, SICK, INJURED, OR DEAD ANIMALS

Whenever an Officer observes or responds to a call regarding a loose, stray, sick, injured, or dead animal, the Officer shall notify the dispatcher of his/her findings upon arriving at the scene and request assistance, if needed, under the following guidelines:

(a) During business hours, seven days per week except holidays, an on-duty Animal Control Officer will be notified of the situation, requesting their assistance.

(b) Outside business hours and during holidays, designated Animal Control Officers will be on emergency standby duty. An Animal Control Officer on standby duty may be called in under the following circumstances. The on-call Animal Control Officer's response time may vary from 30 minutes to one hour

1. Injured domestic animal, i.e. dog, cat "" Animal Control will only respond if the owner is not present. If the owner is present, it is their responsibility to transport the animal to a veterinarian.

2. Protective custody "" a Police Officer is requesting an animal be taken into protective custody due to the owner being arrested, deceased, hospitalized, etc. The Police Officer should first attempt to release the animal into the custody of an adult neighbor, friend or relative willing to take temporary custody.

3. Traffic hazard - Animal Control will not respond to this type of situation until a Police Officer/CHP Officer has been dispatched to assess the scene and the animal has been contained.

4. Human safety "" aggressive, dangerous or vicious animal is at large and there is a concern for human safety. A Police Officer should be dispatched prior, to assess the situation.

5. Bite "" an animal involved in a bite(s) to a human and the animal is not confined.

6. Dead Animals "" Animal Control will not respond to dead animals. If the animal is a traffic hazard, dispatch a Police Officer/CHP Officer to move it from the roadway. Enter a call for service and Animal Control will respond during the next workday.

7. Stray animals "" Animal Control will not respond to a stray animal unless they are vicious and pose a threat to public safety.

8. Barking complaints should be referred to Animal Control during the next workday. (c) If immediate attention is not needed, telephonic notification will be directed to the Animal Control when they return to normal operations, advising them of the situation and requesting that they take appropriate action.

9. Injured wildlife "" Animal Control will only respond if it is a large mammal, i.e. deer, raccoon, opossum or a large raptor, i.e. vulture, owl, hawk. Birds, seabirds, small mammals

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should be referred to Wildlife Care at 966-9005.(d) If the situation requires the use of other than normal animal control restraints, the Animal Control Officer shall be informed by the Police Department dispatcher.

(e) Upon arrival of the Animal Control Officer it becomes his/her responsibility to control the situation and dispose of the animal in the proper manner. The Officer shall clear the scene as soon as possible.

365.1.2 LOST ANIMALS

A person requesting that a report be taken of a lost animal shall be referred to the Animal Control.

365.1.3 ANIMAL BITES

An officer assigned to investigate a report of a person bitten by an animal shall make every effort to establish pertinent information. (a) Victim.

(b) Injuries.

(c) Owner of animal.

(d) Circumstances. A report shall be forwarded to the County Health Department and the Animal Control.

365.1.4 ADVISING OWNER OF ANIMAL OF QUARANTINE PERIOD

When an officer investigates an animal bite call, he shall advise the owner of the animal, if known, to quarantine the animal for ten days and to report any indication of sickness of the animal to the County Health Department.

Exception: If the animal has bitten the victim above the shoulders, the owner shall be advised that the animal control will impound the animal for the quarantine period.

When the owner cannot be located, the officer shall request the services of the Animal Control and shall be responsible to control the situation until their arrival.

365.1.5 CARE OF ANIMALS, OWNER IN CUSTODY

When a person having an animal in his possession is taken into custody or incapacitated, the officer shall, if unable to make any other arrangements for its care: (a) Deliver or cause the animal to be delivered to the Animal Control for purposes of protective care and custody.

(b) Make the proper entries on the appropriate reports relating to the disposition of the animal. Note: When an animal is to be held as evidence, the animal control employee shall be notified. The officer shall make all appropriate entries to that effect

365.1.6 ANIMALS OR FOWL DISTURBING

Officers assigned a disturbance call involving an animal or fowl shall advise the owner of the violation and possible action, pursuant to Municipal Code Section 6.08.030.

When the owner or resident occupant cannot be contacted and the animal or fowl is not inside a residence and no other means of quieting the animal or fowl is available, the officer shall call the Animal Control Officer.

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In all cases where the owner or resident occupant cannot be contacted, the officer shall see that notification of the violation is affixed to the residence.

Anti-Reproductive Rights Crimes Reporting

366.1 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.).

366.2 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

366.3 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 Investigation Division Commander.
- (c) By the tenth day of each month, it shall be the responsibility of the Investigation Division Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
 - 1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
 - 2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - Any employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

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) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the Department of Justice *LEP Guidance to Federal Financial Assistance Recipients* available at the DOJ [website](#) in determining which measures will provide reasonable and meaningful access to

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Limited English Proficiency Services

various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department its personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

368.2.1 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.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

368.3.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters, but must have demonstrated a level of competence to ascertain 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.

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368.3.2 WRITTEN FORMS AND GUIDELINES

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

368.3.3 AUDIO RECORDINGS

From time to time, the Department may develop audio recordings of important information needed by LEP individuals. For example, officers may be provided with a canine warning or crowd dispersal order for broadcast in a language most likely to be understood by involved LEP individuals.

368.3.4 TELEPHONE INTERPRETER SERVICES

The Combined Communications Center will maintain a list of qualified interpreter services which, upon approval of a supervisor can be contacted to assist LEP individuals. Such services shall be available to, among others, department personnel who utilize official cellular telephones.

368.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual departmental personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted in above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see: Section V(3) of the DOJ Final Guidance available at the DOJ [website](#)).

368.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel

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will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

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.

368.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Combined Communications Center, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

The Santa Barbara Police Department will take reasonable steps and will work with the Human Resources Department to hire and develop in-house language capacity in Combined Communications Center by hiring qualified personnel with specific language skills.

368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in § 368.3 to provide appropriate language assistance.

Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

368.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. 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.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation

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services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

368.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

368.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

368.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

368.5 TRAINING

In an effort to ensure that all personnel in public contact positions (or having contact with those in custody) are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training / Recruitment Sergeant shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The Training / Recruitment Sergeant shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

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368.6 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

- (a) A list of departmental bilingual employees, languages spoken and contact and shift information
- (b) A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information
- (c) The telephone number and access code of telephonic interpretation services
- (d) Language identification cards
- (e) Translated *Miranda* warning cards and other frequently used documents
- (f) Audio recordings/warnings that are developed in non-English languages

368.7 MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

368.7.1 LEP COORDINATOR

The Chief of Police will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Santa Barbara Police Department LEP services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the Santa Barbara Police Department to assess whether they should be considered vital documents and be translated.

Cases Involving 415 PC Disturbance Complaints During Protests and Demonstrations

369.1 PURPOSE AND SCOPE

The Constitution guarantees the right to protest in a peaceful manner. This right is highly protected by the courts, and officers responding to disturbance complaints during demonstrations must be cognizant of demonstrator's rights. Although protestors have the right to exercise free speech, no protestor has the right to unreasonably disturb the peace of another person. By following the below protocol, the Santa Barbara Police Department will ensure that the rights of all are respected and order is restored.

369.2 DEFINITIONS

415 (2) PC: "Any person who maliciously and willfully disturbs another person by loud and unreasonable noise."

According to case law regarding 415 PC Disturbances during demonstrations, 415(2) PC does not "prohibit all loud speech which disturbs others even if it was intended to do so." A person violates Section 415(2) only when "there is no substantial effort to communicate or when the seeming communication is used as a guise to accomplish the disruption," and the speaker's intent is only to disturb others.

- 415 PC is a crime of specific intent. The suspect must willfully intend to disturb the peace of the offended party, and must intend only to disturb and not to communicate. Officers must make every effort to advise the protestors that their activity is disturbing the peace of the reporting party (i.e. give a warning, and monitor for compliance). Document the warning in either a F.I. card or an incident report. Before any enforcement action is taken, the protestors must be given a reasonable amount of time to comply with the warning. The exact amount of time depends upon the circumstances.
- The officers should contact the protestors and attempt to exercise reasonable measures to restore the peace (ask the protestors to move to a location not likely to disturb the peace; ask protestors to limit or eliminate the use of amplification, noise makers, sirens, or other devices being used which make loud and unreasonable noise).
- Remind the protestors of their obligation not to block the free movement of pedestrian or vehicular traffic on public or private property.
- 415 PC does not provide an absolute right to use a sound amplification device or an artificial noise maker (such as a whistle or a siren) under all circumstances. Continuing the use of such a device after being warned that it is annoying and disturbing other people and after the protestor has been warned of this and asked to stop, is evidence of a violation of 415 PC.
- Officers should interview the complaining parties and assess the reasonableness of their complaint. Is the reporting party complaining about the content of the protest (anti-war, wage dispute, anti-abortion, etc.) or the degree of disturbance caused by loud and unreasonable noise? Only the latter is actionable by S.B.P.D.

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- Should the protest continue to be conducted in an unreasonably loud manner, and it is objectively obvious that the protesters are deliberately disturbing the peace of the reporting party (who is willing to sign a complaint), without intending to communicate, the officers may issue a citation or make a physical arrest as necessary.
- Remember, your arrest narrative must distinguish between the "intent to disturb" as opposed to the "intent to protest." Protests consisting only of verbal shouting would need to be extremely long term, very loud, and continuous (despite warnings to quiet down), before it would rise to the level of intent only to disturb.

The courts view "freedom of speech" as a highly guarded right. The more your actions appear to reasonably respect the demonstrator's right to protest while you simultaneously attempt to restore the peace, the stronger your case will be to support your arrest (if necessary) for 415 PC.

Public Safety Camera System

378.1 PURPOSE AND SCOPE

The City of Santa Barbara operates a public safety camera system for the purpose of creating a safer environment for all those who live, work and visit the City. This policy explains the purpose of the cameras and provides guidelines for their operation and for the storage of captured images.

378.2 POLICY

Cameras may be placed in strategic locations throughout the City at the direction or with the approval of the Chief of Police. These cameras can be used for detecting and deterring crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

378.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

378.3.1 MONITORING

Images from each camera will be recorded on a 24-hour basis every day of the week. These images will be transmitted to monitors installed in the Watch Commander's Office and Combined Communications Center. When activity warranting further investigation is reported or detected at any camera location, the dispatcher may selectively view the appropriate camera and relay any available information to responding units. The Watch Commander or Combined Communications Center personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety camera system to be set up at a location other than Combined Communications Center for monitoring by other than police personnel when the provision of such access is in furtherance of this policy.

The cameras only record images and do not record sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high value or high threat areas. In addition, the public safety camera system may be useful for the following purposes:

- (a) To assist in identifying, apprehending and prosecuting offenders.
- (b) To assist in gathering evidence for criminal and civil court actions.
- (c) To help emergency services personnel maintain public order.
- (d) To monitor pedestrian and vehicle traffic activity.
- (e) To help improve the general environment on the public streets.
- (f) To assist in providing effective public services.

378.3.2 TRAINING

Personnel involved in video monitoring will be appropriately trained and supervised.

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Public Safety Camera System

378.3.3 PROHIBITED ACTIVITY

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

378.3.4 CAMERA MARKINGS

Except in the case of covert operations or confidential investigations, all public areas that are monitored by public safety cameras shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs shall be well lit to ensure visibility.

378.4 MEDIA STORAGE

All media will be stored in a secure area with access restricted to authorized persons.

Recordings not otherwise needed for official reasons shall be retained for a period of not less than one year and thereafter should be erased with the written consent of the City Attorney. Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures (Government Code § 34090.6).

378.5 REVIEW OR RELEASE OR OF VIDEO IMAGES

The review or the release of video images shall be done only with the authorization of the Chief of Police or his/her designee and only with a properly completed written request. Video images needed for a criminal investigation or other official reason shall be collected and booked in accordance with current departmental evidence procedures.

378.5.1 PUBLIC AND OTHER AGENCY REQUESTS

Requests for recorded video images from other government agencies or by the submission of a court order or subpoena shall be promptly submitted to the Lieutenant, who will promptly research the request and submit the results of such search through the Chief of Police to the City Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been fully processed by the City Attorney's office.

Video images captured by public safety cameras that are requested by the public or media will be made available only to the extent required by law. Except as required by a valid court order or other lawful process, video images requested under the Public Records Act will generally not be disclosed to the public when such video images are evidence in an ongoing criminal investigation in which a disposition has not been reached.

378.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM

The Chief of Police or his/her designee will conduct an annual review of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of the purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

Child Safety Policy

380.1 PURPOSE AND SCOPE

The Santa Barbara Police Department recognizes that children who are subjected to traumatic events, such as the arrest of a parent or guardian, may experience negative emotional effects that can last throughout the lifetime of the individual. After such an event the child may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for officers to take reasonable steps to minimize the impact to the child when it becomes necessary to take action involving the child's parent or guardian (Penal Code § 833.2(a)).

380.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Santa Barbara Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

380.2 PROCEDURES DURING AN ARREST

When encountering an arrest situation officers should make reasonable attempts to determine if the arrestee is responsible for minor dependent children. In some cases this is obvious, such as when children are present. However, officers should inquire if the person has any other dependent minor children who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any dependent minor children.
- (b) Look for evidence of children. Officers should be mindful that some arrestees may conceal the fact that they have dependent children for fear their children may be taken from them.
- (c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child.

Whenever possible, officers should take reasonable steps to accomplish the arrest of a parent or guardian out of the presence of his/her child. Removing children from the scene in advance of the arrest will generally ensure the best outcome for the child.

Whenever it is safe to do so, officers should allow the parent to assure children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the children that both parent and children will receive appropriate care.

380.2.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, dependent minor children.

Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any

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Child Safety Policy

decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.
 - 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.
 - 2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.
- (b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.
- (c) Notify Child Protective Services if appropriate.
- (d) Notify the field supervisor or Watch Commander of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

380.2.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law (Penal Code § 851.5(c)).

380.2.3 REPORTING

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

380.3 CHILD WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children, the handling officer should consider taking children into protective custody and placing them with the appropriate county child welfare service or other department-approved social service (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child be transported to the police's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child be left unattended or without appropriate care.

Service Animal Policy

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Santa Barbara Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually 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 owner's disability (28 CFR 35.104).

California expands the definition of a service animal to include other animals that are individually trained to provide assistance to an individual with a disability (Healthy and Safety Code § 113903).

382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- 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 schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.3 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 Santa Barbara Police Department affords to all members of the public.

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Service Animal Policy

If an animal 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 owner 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 animal. 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 the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner 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 officer should ask the individual only the following questions:

- 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 person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

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.

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 their owner into all areas that other customers or members of the public are allowed.

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.

Volunteer Program

384.1 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.

384.1.1 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.

Volunteers must be able to commit to a minimum of 1 year of service. They shall work at least 10 hours per month.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administrative Services Division Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Administering discipline when warranted.
- (i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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Volunteer Program

384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

384.2.3 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.

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

384.2.5 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.

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Volunteer Program

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.

384.2.6 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.

384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

384.3 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.

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- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

384.4 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.

384.5 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.

384.5.1 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.

384.5.2 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.

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384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

384.6.1 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.

Off-Duty Law Enforcement Actions

386.1 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 Santa Barbara Police Department with respect to taking law enforcement action while off-duty.

386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

386.3 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 and Qualification Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

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

386.4 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.
- (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.

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Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

386.4.1 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 Santa Barbara Police Department officer until acknowledged. Official identification should also be displayed.

386.4.2 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.

386.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

386.4.4 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.

386.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Chapter 4 - Patrol Operations

Calls for Service

400.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that available resources are allocated to calls for service in an orderly and efficient manner, and that the public receives the highest level of service that can reasonably be delivered. The Department cannot be aware of each circumstance in the City where police action or assistance is required. The Department is dependent upon members of the community for such information. The people, in return, expect the Department to respond to requests for police service within a reasonable time and to satisfactorily perform the necessary service. A person calling for police assistance expects, as a matter of right, to be provided with a service. As a practical matter, the extent of service may be limited; but regardless of its extent, a professional quality of service must be rendered in all cases.

400.1.1 TERRORISM

It is the goal of the Santa Barbara Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents. The supervisor should ensure that all terrorism related information is forwarded to the Detective Bureau Supervisor in a timely fashion.

400.2 POLICY

It is the Department's policy that all calls for service (CFS) shall be handled in a professional and timely manner. It is our goal that all CFS receive a response to the satisfaction of those requesting our services. The Patrol Division Watch Commander shall have the overall responsibility for implementation of, and adherence to, the policies established by this manual section. The Department must prioritize calls and organize available resources in order to provide the highest level of service as possible. Prioritization of calls for service depends on many factors (i.e., the threat to life and personal safety, the threat to property, in-progress versus report calls, etc.), and it is normally the responsibility of communications personnel to determine call prioritization. The availability of resources for assignment to calls may likewise be affected by many factors (i.e., shift change, use of overtime, level of activity at any given time, area/beat boundaries, area team policing concept, specialty assignments, directed patrols, code-seven, etc.). It is the responsibility of both Combined Communications Center Personnel and Patrol Division Managers and Supervisors to work together in assuring that resources are appropriately allocated to calls for service.

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

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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.

400.4 CALLS FOR SERVICE (CFS) PRIORITIZATION

Generally calls for service (CFS) may be divided into three broad areas of relative urgency:

400.4.1 PRIORITY ONE CALLS

Priority one calls are defined as emergency, or in-progress calls that require an immediate police response and frequently involve a threat to life, public safety, or officer safety.

400.4.2 PRIORITY TWO CALLS

Priority two calls range from potentially life-threatening to relatively minor in-progress incidents. Examples of high priority two calls include:

- battery in progress
- domestic disturbance in progress
- brandishing

Examples of lower priority two calls include:

- loud party calls
- check-the-welfare calls,
- Municipal Code violations

400.4.3 PRIORITY THREE CALLS

Priority three calls are generally defined as requests for documentation of incidents that have already occurred and where the danger of further criminal activity and/or the need for an immediate response is no longer present.

400.5 RESOURCE ALLOCATION TO CALLS FOR SERVICE (CFS)

Resources should be allocated to CFS so that priority one calls take precedence over priority two calls, and priority two calls take precedence over priority three calls. However, the priority of any call can change, and the allocation of resources may need to be adjusted accordingly. Calls must be assigned in a systematic manner in order to ensure an organized response to CFS. Generally, calls should initially be assigned to the Beat/Area Officer(s) assigned to the area in which the activity related to the call is occurring. If these officers are not available, officers may be cross-assigned from other areas/beats. Specialty units may also be assigned to CFS, especially if the call type is associated with the specialty unit's area of expertise (i.e., traffic, gangs, etc). When an incident dictates an immediate response and no other units are available any sworn officer may be used as a "Primary Officer" or as a "Cover Officer".

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400.6 RESOURCE ALLOCATION WHEN NO UNITS ARE AVAILABLE

400.6.1 PRIORITY ONE AND HIGH LEVEL PRIORITY TWO CALLS

Upon receiving a Priority One or High Level Priority Two call and there are no available officers, CCC dispatchers shall immediately broadcast a request for officers to clear to handle the call. Included in this broadcast will be the type and location of the incident.

Officers, regardless of their specialty assignment, shall assess the urgency of their immediate task as compared to the incident needing resources, and clear to handle if appropriate. If no officers clear to handle the call, dispatch shall clear officers from less critical incidents and assign them to the call.

400.6.2 PRIORITY TWO CALLS OF LOWER PRIORITY

Dispatchers should consult with a CCC Supervisor, and/or Patrol Division W/C or Field Supervisor for assistance in identifying available resources for assignment to this type of call(s). This type of call should not be held, and a continuous effort should be made to locate resources for these types of calls. If no Patrol Division W/C or Field Supervisor can be located, dispatchers should assign the most appropriate unit, and a Patrol Division W/C or Field Supervisor should be notified as soon thereafter as possible. Before reassigning officers who are working a directed patrol assignment to a lower priority two CFS, dispatchers must consult with a Patrol Division W/C or Field Supervisor.

400.6.3 PRIORITY THREE CALLS

Priority three CFS may be held for a reasonable period of time depending on the resources available and the relative level of activity. Generally, priority three CFS should not be held beyond 30 minutes from the original estimated time of officer arrival that was provided to the reporting party, however, nothing in this guideline should preclude dispatchers from delaying a response to report calls if the RP has no objection to such delay. Dispatchers should consult with a Patrol Division W/C or Field Supervisor, whenever a priority three call is

unanswered for an extended period of time, or the reporting party of a priority three call insists on an immediate police response, and we cannot fulfill the request without reassigning officers from other activities. Once contacted for assistance, the W/C or Field Supervisor shall make a concerted effort to satisfy the RP's request for service. If there are a disproportionate number of waiting priority three CFS on a given beat/area, when compared to the other beats/areas, cross-assigning officers from these other beats/areas would be appropriate. As with other calls, dispatchers should consider elevating the call priority when circumstances dictate, and assigning units accordingly. Officers on directed patrol (DP) should not be

400.7 TRAINING

Department-wide training will be conducted in the use of this policy in order to ensure that there is consistency in its application to the management of calls for service. Provisions of this policy will be incorporated into the FTO manuals for new officers and Combined Communications Center personnel.

400.8 CALLS FOR SERVICE RESPONSIBILITIES

The Department must prioritize calls for service and organize available resources in order to provide the highest level of service as possible to the community. It is the responsibility of the Patrol Division Watch Commanders and Supervisors, the Combined Communications

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Center (CCC) Public Safety Dispatchers (PSD), and Patrol Officers to work together in ensuring that resources are appropriately allocated to calls for service.

400.8.1 WATCH COMMANDER/PATROL SUPERVISOR RESPONSIBILITIES

General Responsibilities

The Watch Commander and Field Supervisors shall have the overall responsibility for implementation of the Department's Calls for Service Policies.

Specific Responsibilities

(a) When the CCC personnel notifies the Watch Commander or Field Supervisor that they are unable to locate officers to respond to calls for service in accordance with Department policy and guidelines, it is the Watch Commander or Field Supervisor's responsibility for ensuring that officers are available to handle calls for service in accordance with the Department policy.

(b) In cases of a reporting party not being satisfied with a delayed response and/or demands a police response even after the CCC personnel has explained the reasons, the Watch Commander or Field Supervisor is responsible for re-contacting the reporting party and resolving the issue.

(c) Prior to briefing, determine if the number of CFS being held by the CCC mandates that you excuse officers from briefing and immediately send them into the field.

(d) During briefing have officers prepare a Code 7 list for CCC.

(e) Ensure that officers clear with the CCC within 10 minutes of the conclusion of briefing.

(f) Once an officer returns to the station during a shift for an extended period of time (anything over 15 minutes) a Supervisor or the Watch Commander will notify CCC of the duration he/she has approved for that officers time at the station.

(g) Supervisors/Watch Commanders will, by using a CAD monitor and the police radio, monitor the CFS for the purpose of managing the proper use of all resources.

400.8.2 COMBINED COMMUNICATIONS CENTER RESPONSIBILITIES

General Responsibilities

It is the responsibility of Combined Communication Center Public Safety Dispatchers to receive and prioritize calls for service from the public. The CCC has the primary responsibility of managing calls for service and dispatching officers in accordance with Department's Calls for Service Policies.

Specific Responsibilities

(a) In those cases where CCC personnel are unable to locate officers to respond to calls for service they will notify a Watch Commander or Field Supervisor in accordance with Department Policy § 400.5.

(b) In cases of a reporting party not being satisfied with a delayed response and/or demands a police response even after the CCC personnel has explained the reasons, CCC personnel will notify the Watch Commander or Field Supervisor as soon as practical.

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(c) In the event no units are available a PSD shall follow the guidelines established in Department Manual § 400.5.

400.8.3 PATROL OFFICER'S RESPONSIBILITIES

General Responsibilities

It is the responsibility of Patrol Officers to respond to Calls for Service and handle them in accordance with Department Policy and Guidelines.

Specific Responsibilities

(a) Patrol Officers will clear with the CCC within 10 minutes of the conclusion of briefing, unless otherwise approved by a supervisor.

(b) Patrol Officers will be available for Calls for Service at the beginning of their shift.

(c) Patrol Officers will monitor the police radio at all times unless they have notified the CCC that they will be off the air.

(d) If a Patrol Officer returns to the station and anticipates remaining for more than 15 minutes, the officer shall obtain authorization from the Watch Commander or Field Supervisor.

(e) Patrol Officers who return to the station for more than fifteen minutes (other than Code 7) are required to obtain authorization from a Field Supervisor or Watch Commander. Officers will notify the CCC of their approved estimated time at the station.

(f) Patrol Officers assigned to a CFS generally should proceed directly to the call without diverting to a lower priority activity.

(g) If a Patrol Officer does not attend briefing, the officer shall contact a Watch Commander or Field Supervisor at the beginning of his/her shift. These officers shall clear with the CCC within 10 minutes of the beginning of their shift.

(h) If a concern arises between an Officer and a PSD regarding a CFS, the officer and/or PSD will contact his/her respective supervisor to resolve the issue.

400.8.4 PROTOCOL FOR CALLING BACK REPORTING PARTIES/HOLDING CALLS

When a citizen calls for service from the Police Department, they have an expectation of professional and timely service. Depending on the resources available and the volume of present and pending incidents, the Department's response may be delayed. These cases will generally involve a delayed response to priority three calls. In instances of a delayed response, the Combined Communications Center personnel and Watch Commander should utilize the following guidelines:

(a) When receiving a call for service, Combined Communications Center personnel will advise the reporting party that we will respond as soon as possible based on our resources available, and present and pending incidents.

(b) If an R/P requests an ETA, the CCC dispatcher will make a good faith estimate of the response time based on current calls for service and available units, but explain to the R/P that the ETA is subject to change based on other unforeseen calls for service.

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(c) If the situation dictates that the response will be extended past the original ETA, the Combined Communications Center personnel will re-contact the reporting party with the new ETA as soon as practical. This action will be noted in the CAD incident.

(d) The Combined Communications Center personnel will call back the reporting party every 60 minutes after receiving the initial call for service or beyond the original ETA to advise the reporting party of an updated response time.

(e) At any point, the reporting party is not satisfied and/or demands an immediate police response, the Public Safety Dispatcher shall inform the caller that a Watch Commander or Field Supervisor will be contacted in order to assist with the assignment of an officer for the call for service. The Public Safety Dispatcher will subsequently notify the Watch Commander or Field Supervisor of the situation.

(f) The Watch Commander or Field Supervisor will assist the Combined Communications Center personnel in assigning personnel to the call for service. If the Watch Commander or Field Supervisor elects not to send an officer or officers still are not available, he/she will re-contact the reporting party and provide

400.9 SPECIALTY AND SUPPORT UNITS PRIMARY RESPONSIBILITIES

Specialty Officers and Support Units should be assigned as "Primary Officers" to certain types of calls that have a direct relationship to their particular specialty. The following identifies the types of calls to which specialty units should be assigned as a "Primary Officer."

While officers should be assigned to calls based on these primary responsibilities, if necessary, **any sworn officer may be used as a "Primary Officer" or as a "Cover Officer" when an incident dictates an immediate response and no other units are available.**

Crime Scene Investigator (CSI) Officer

Principal Tasks Identifies, collects, and preserves various types of evidence by means of specialized equipment and techniques.

Call Types as Primary Units Respond to requests for evidence preservation and collection at crime scenes. Respond as the primary unit for any type of call if no Beat Officers are available.

Canine (K9) Officer

Principal Tasks Performs patrol duties with canine. Canine Officers utilize dogs to search for persons or evidence, and to provide handler or officer protection.

Call Types as Primary Units Respond as the primary unit for any type of call if no Beat Officers are available.

Motorcycle Officer

Principal Tasks Regulates the orderly flow of traffic by the enforcement of Vehicle Code violations, investigates traffic collisions, and solves potential traffic related problems.

Call Types as Primary Units Respond as the primary unit to Injury Traffic Collisions on Motor Officer's assigned beat or as the primary unit to Injury Traffic Collisions not on their assigned beat when the regular Patrol beat officer is not available. Respond as the primary unit to

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Non-Injury Traffic Collisions if no other Beat Officers are available. Respond as a primary unit to other traffic related incidents.

Traffic Collision Investigator

Principal Tasks Responsible for the follow-up investigation of hit and run traffic collisions and other serious collisions.

Call Types as Primary Units Generally should not be assigned as a primary unit to CFS unless an extreme situation arises.

Tactical Patrol Force (TPF) Officer

Principal Tasks Maintain a police presence in the downtown area and Beachfront area patrolling on foot, on bicycles, or in plain clothes. Enforce Municipal Codes, street crime or other, public nuisance, and drug and alcohol related problems.

Call Types as Primary Units Respond as the primary unit to any calls in the downtown State St. and Beachfront area involving Municipal Code violations, unlawful transient activity, drug and alcohol related problems.

Special Enforcement Team (SET) Officer

Principal Tasks Maintain a high level of expertise in gang-related crimes and juvenile law, investigate gang related incidents, and ensure public safety from gang related violence.

Call Types as Primary Units Respond as the primary unit to any calls related to gang violence, or any other in progress youth related crime.

Nightlife Enforcement Team (NET) Officer

Principal Tasks Maintain a police presence in the downtown nightlife, bar, and restaurant area. Enforce laws relating to disturbances, overcrowding, ABC violations, and noise violations in downtown area.

Call Types as Primary Units Respond as the primary unit to any calls relating to disturbances, overcrowding, ABC violations, or noise violations.

Drinking Driver Team (DDT) Officer

Principal Tasks Identify and apprehend persons driving under the influence of alcohol and/or drugs.

Call Types as Primary Units Respond as the primary unit to any CFS in which a suspected DUI driver is involved.

Downtown Foot Patrol Officer

Principal Tasks Maintain a visible police presence and public relations in the downtown area. Attend downtown organizations' meetings and City Council meetings.

Call Types as Primary Units Respond to public nuisance type crimes in progress in the downtown area, recognizing that the officer may be on foot and may have an extended response time.

Directed Patrol Units

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Principal Tasks Principal tasks vary depending on directed patrol assignment. Specialty Units are not considered to be on a directed patrol by the mere nature of their specialty.

Call Types as Primary Units Generally should not be assigned as a primary unit to CFS unless an extreme situation arises unless the CFS is directly related to the directed patrol assignment.

Parking Enforcement Officer (PEO)

Principal Tasks Enforce laws and ordinances relating to parked motor vehicles.

Call Types as Primary Units Generally should not be assigned as a primary unit to CFS. If no Beat Officers are available, PEOs may be assigned as the primary unit for any minor parking related violations in which it is anticipated that only a parking citation will need to be issued. PEOs will also respond and act as a School Crossing Guard when permanent School Crossing Guards are unavailable.

Beat Coordinator (BC) Officer

Principal Tasks Implement an appropriate response to an on-going or long-term concern or problem and use various resources to resolve the issue.

Call Types as Primary Units Beat Coordinators are not generally assigned as the Primary Unit unless no other Patrol Officers are available.

School Resource Officer (SRO)

Principal Tasks

Maintain a police presence at City schools by making arrests, partnering with school administrators and faculty, counseling students, and control juvenile delinquency on campuses.

Call Types as Primary Units Respond as the primary unit for incidents on school campuses during school hours.

Drug Abuse Resistance Education (D.A.R.E.) Officer

Principal Tasks Responsible for teaching the D.A.R.E. curriculum in City schools.

Call Types as Primary Units D.A.R.E. Officers are not generally assigned as the Primary Unit unless no other Patrol Officers are available.

Investigators

Principal Tasks Responsible for the follow-up investigation of crimes.

Call Types as Primary Units Generally should not be assigned as a primary unit to CFS unless an extreme situation arises.

Animal Control Officer

Principal Tasks Enforce laws relating to animals.

Call Types as Primary Units Respond as the primary unit for incidents involving animals.

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Park Ranger

Principal Tasks Enforce Municipal Code Ordinances inside City parks and ensure that park users have a safe environment to recreate.

Call Types as Primary Units Respond as the primary unit involving Municipal Code violations occurring in City parks.

Harbor Patrol Officer

Principal Tasks Enforce laws relating to boating, the use of City Waterfront Department Facilities, and Harbor and Launch Ramp parking lots.

Call Types as Primary Units

Respond as the primary unit for boating traffic or safety calls. Should not generally be used as the primary unit for typical police related calls, but should be used to supplement other police resources.

Airport Patrol Officer

Principal Tasks Primary responsibility is the safety and security of the airport property, airline terminal, and its screenings checkpoints.

Call Types as Primary Units

Should not generally be used as the primary unit for typical police related calls, but should be used to supplement other police resources.

Racial/Bias Based Profiling

402.1 PURPOSE AND SCOPE

The Santa Barbara Police Department strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality, religion, gender, sexual orientation, or disability.

402.2 DEFINITION

Racial/Bias based profiling, for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped (Penal Code § 13519.4(e)).

402.3 POLICY

The practice of racial/bias based profiling is illegal and will not be tolerated by this Department (Penal Code § 13519.4(f)).

- (a) It is the responsibility of every member of this department to prevent, report, and respond appropriately to clear discriminatory or biased practices.
- (b) Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.
 - 1. To the extent that written documentation would otherwise be completed (e.g., arrest report, F.I. card, etc.), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.
 - 2. Nothing in this policy shall require any officer to prepare documentation of a contact that would not otherwise involve such reporting.
 - 3. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

The Santa Barbara Police Department will investigate all complaints of alleged racial/bias based profiling complaints against its members. Employees found to be in violation of this policy are subject to discipline in accordance with this department's disciplinary policy.

402.4 TRAINING

- (a) All sworn members of this department will be scheduled to attend POST approved training on the subject of racial profiling.
- (b) Pending participation in such POST approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of our community.
- (c) Each member of this department undergoing initial POST approved training will thereafter be required to complete an approved refresher course every five years

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Racial/Bias Based Profiling

or sooner if deemed necessary in order to keep current with changing racial and cultural trends (Penal Code §13519.4(i)).

Special Weapons and Tactics

408.1 PURPOSE AND SCOPE

The Special Weapons and Tactics Team (SWAT) has been established to provide support in handling critical field operations where special tactical deployment methods are required. The purpose of the Santa Barbara Police Department SWAT Team is to provide an organized, structured response to critical incidents that are beyond the normal capabilities of officers in any of the following situations:

- The taking of a hostage.
- Barricaded suspect(s) believed to be armed.
- Sniper situation(s), either stationary or mobile.
- Searches for an armed suspect(s).
- Any incident that is high-risk in nature and beyond the capability of available patrol units.
- Unusual occurrences, including but not limited to, an active shooter that is likely to cause loss of life or injury to persons involved.

408.2 ACTIVATION

408.2.1 INCIDENTAL ACTIVATION

Any sworn member of the Santa Barbara Police Department may initiate a request for the SWAT Team by contacting the Watch Commander or his/her designee. Authorization to activate the SWAT Team rests with the on-duty Watch Commander or his/her designee.

The following procedures shall be followed by the Watch Commander once the decision to activate the SWAT Team has been made:

a) Initiate a group page to the SWAT Team and CNRT with the following information:

- A callout is initiated.
- A call back telephone number.
- Location to respond to.

b) Assign someone to answer incoming calls from SWAT/CNRT members.

c) Personally make contact with at least one of the following persons: (in order of priority), SWAT Lieutenant, either SWAT Sergeant, either SWAT Team Leader. (If any of the aforementioned persons are on-duty and at the scene of the incident, do not assume that they have made contact with off-duty SWAT members. Still make personal contact with a ranking off-duty SWAT Team member.

d) Contact Crimes Against Persons Sergeant / designee.

e) Notify the Division Commander of the circumstances

f) Ensure that the Chief of Police is notified

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g) Designate a field supervisor (if one is not already on-scene) who will act in the capacity of Tactical Commander and/or Incident Commander until the arrival of the Division Commander and SWAT Lieutenant or their designees.

h) At the time the SWAT Team Lieutenant/Sergeant/Team Leaders arrive at the station, the Watch Commander should be able to provide them with the following information

- The nature of the incident;
- The address of the incident;
- The location of the Command Post and the name of the Officer in charge;
- The best route to the Command Post without driving past the suspect location;
- The radio frequency being used for the operation;
- The number of suspects and any physical description, as well as names, if available;
- If applicable, the number of hostages; include physical and clothing descriptions;
- The number and types of weapons seen or known to be inside the suspect location, (include threatened use of explosives).

408.2.2 PLANNED ACTIVATION

A planned activation is an incident where the need to use the SWAT Team is known in advance, and authorized by the Patrol Division Commander. This may occur with a high-risk search/arrest warrant, crowd control, training, or dignitary protection.

408.3 ON-DUTY SWAT TEAM MEMBERS

408.3.1 DEPLOYMENT

When SWAT is activated, on-duty SWAT Team members who have their equipment with them will respond directly to the scene. On-duty SWAT Team members who are not properly equipped will respond directly to the station or other location to obtain their equipment, as well as any additional tactical equipment required to successfully accomplish the mission at hand.

408.3.2 EQUIPMENT

For SWAT to be effective and remain in a state of tactical readiness, it will be necessary for on-duty SWAT Team members to carry a minimal amount of equipment in their vehicles. The tactical equipment each authorized officer shall carry during their tour of duty will consist of the following:

- (a) Tactical vest;
- (b) Ballistic helmet;
- (c) Primary SWAT weapon;
- (d) Light/sound diversionary device;
- (e) Plainclothes officers will wear a raid jacket or other identifying clothing or equipment.

All equipment shall be stored in the trunk of the officer's vehicle at the beginning of each shift, and returned to the SWAT locker at the completion of that same shift. The use of the tactical equipment will be limited to actual and immediate life-threatening situations that

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may exceed the normal capabilities of patrol officers, or when authorized by the Watch Commander. In all other instances the equipment will not be used. The use of specialized ordnance and chemical agents must be approved as described below.

408.4 TRAINING NEEDS ASSESSMENT

The SWAT/CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

408.5 SWAT OPERATIONAL MANUAL

The Santa Barbara Police Department SWAT Operational Manual was designed to set criteria for the administration, selection, criteria, training, and tactics for Special Weapons and Tactics. It is intended to provide guidance during high-risk tactical situations outside the normal capability of patrol officers.

The SWAT Operational Manual will provide guidance for activation of the SWAT Team deployment, carry-out bags and equipment for on-duty SWAT personnel, use of less-lethal munitions/chemical agents and required after action reports. The Operational Manual will be evaluated at the end of each fiscal year to ensure adherence to current law and industry standards.

The Santa Barbara Police Department SWAT Operational Manual will be maintained and updated by the SWAT Team Commander. Any changes or amendments to the Operational Manual will be authorized by the Patrol Division Commander.

408.5.1 SPECIALIZED ORDNANCE AND CHEMICAL AGENTS

Specialized ordnance and chemical agents will be used only with the expressed approval of the Incident Commander.

(a) Specialized ordnance is defined as weaponry capable of producing great bodily harm and is not normally issued for daily field use.

(b) Use of lesslethal ordnance and chemical agents, not normally issued for daily use, is at the direction of the Incident Commander and will comply with the SWAT Operational Manual.

Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program is a project designed to improve interaction with the community and to give interested adults a first-hand opportunity to observe the police perform their everyday patrol duties. As a result of this program, the community will have a better understanding of the problems confronting police, and the police officers will be exposed to the concerns and views of the community.

410.1.1 ELIGIBILITY

Anyone eighteen years of age or older may be permitted to participate in the Ride-Along Program at the discretion of the Santa Barbara Police Department. It will be required that all persons successfully pass a criminal records check, and sign and return the release agreement to the Community Relations Officer before a ride may be scheduled. A guest application may be denied in the interest of the Department for reasons that include, but are not specifically limited to:

- (a) Conviction of any felony.
- (b) Conviction of any sex crime.
- (c) Conviction of larceny.
- (d) Addiction to or use of narcotics or other habit forming drugs.
- (e) Conviction or involvement in any assault on a law enforcement officer.
- (f) Any behavioral disorders.
- (g) Past, present or anticipated civil or criminal litigation against the City of Santa Barbara, the Police Department or any employee of the Police Department.
- (h) Excessive traffic citations or an unacceptable driving history.

It is the responsibility of the Records Section of the Police Department to complete a records check of all applicants for the Ride-Along Program and stamp "No Record" or "Cleared" in a highly visible area on the Ride-Along application. The Community Relations Officer shall notify the applicant if the Ride-Along request is going to be denied.

410.1.2 AVAILABILITY

The ride-along Program is available on any shift, but are scheduled at the convenience of the Department. A maximum of two ride-along guests may be assigned per shift. Guests must report to the Watch Commander prior to scheduled briefing time for assignments.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

To ensure proper control it is mandatory that the Ride-Along Program be controlled by the Community Relations Section. All applications for participation in the program will be made through the Community Services Division. **EXCEPTIONS:** If a Police Officer from another agency or a relative, friend or spouse of department personnel asks to ride along, the Watch Commander may authorize the application. An Officer's spouse may participate

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in the program and ride with the Officer. However, in all cases the Ride-Along release agreement will be completed and forwarded to the Community Services Division before the ride. Exception to the release agreement only applies to City employees acting in the scope of their employment. The Community Services Division shall verify any exceptions with the employee's supervisor.

410.2.1 PROGRAM REQUIREMENTS

No private person may participate in the Ride-Along Program more than one time during a calendar year. For purposes of training, an employee may be assigned as a Ride-Along until the training has been completed to the satisfaction of the employee's supervisor. thereafter, the employee is limited to once per year.

410.2.2 SUITABLE ATTIRE

Ride-Along guests are expected to be suitably attired. Men shall wear business attire consisting of a sweater, sport coat or a sport shirt in combination with slacks. Women shall wear a conservative dress, skirt, or slacks. Dresses and skirts must be of suitable length when the wearer is seated. T-shirts, jeans, shorts or sandals are unacceptable for any guest. No cameras or tape recorders are permitted. No exceptions to this standard will be permitted.

410.2.3 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.

410.3 OFFICER'S RESPONSIBILITY

Situations may arise necessitating rescheduling, interruption or denial of a scheduled Ride-Along in the interest of safety. This decision may be made by the Watch Commander prior to the Ride-Along assignment, or if necessary, while the Ride-Along guest is in the field. At any time, if it should be determined by the Watch Commander or the participating Officer that the presence of the Ride-Along guest would jeopardize either the guest's safety or the safety of the participating Officer, the guest shall be left at a safe location and necessary arrangements made for transportation to the Police Department. In addition, when on a call, the guest shall be instructed to remain in the police car unless otherwise directed by the Officer.

410.4 CONTROL OF RIDE-ALONG

A private person who desires to ride in a police vehicle shall be directed to make application to the Police Community Services Division. Any Ride-Along shall be postponed when an emergency or law enforcement situation exists which is determined to preclude a guest rider. This determination is made solely by the Department and at its discretion.

- (a) No one under the age of eighteen may participate.
- (b) All persons shall agree to and sign the release agreement.
- (c) All Ride-Along guests shall follow the directives of the officer supervising the Ride- Along.

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(d) Ride-Along guests shall stay in the car unless directed by the officer supervising the Ride-Along.

(e) No Ride-Along guest shall be allowed to enter private residences or private property not open to the general public.

(f) Cameras and recording devices are strictly prohibited.

(g) Inappropriately attired guests will not be allowed to participate in the Ride-Along Program.

(h) Ride-Along guest rules will be published and followed by all members of the Department.

Hazardous Material Response

412.1 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.

412.1.1 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.

412.2 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).

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the 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.

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412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

Hostages and Barricaded Suspects

414.1 PURPOSE AND SCOPE

The Crisis Negotiations Response Team (CNRT) has been established to provide support in handling critical field operations where special crisis negotiation methods are required. The purpose of the Santa Barbara Police Department CNRT is to provide an organized, structured response to critical incidents that are beyond the normal capabilities of officers in any of the following situations:

- Barricaded subjects;
- Hostage situations; Suicidal Subjects;
- Sniper situations;
- High-risk apprehension;
- High-risk warrant service;
- Dignitary protection;
- Special assignments.

414.2 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation shall consider the following:

- (a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel;
- (b) notification of tactical and hostage negotiation personnel;
- (c) notification of appropriate persons within and outside the agency, such as command officers, dog handlers, or helicopter pilots;
- (d) establishment of inner and outer perimeters;
- (e) evacuation of bystanders and injured persons;
- (f) establishment of central command post and appropriate chain of command;
- (g) request for ambulance, rescue, fire and surveillance equipment;
- (h) authorization for news media access and news media policy;
- (i) pursuit/surveillance vehicles and control of travel routes.

414.3 CRISIS NEGOTIATION RESPONSE TEAM ACTIVATION

Negotiators may be used in all hostage or barricaded situations, and when used, will make the maximum effort to negotiate the safe release of any hostage(s) and the safe apprehension of the hostage taker(s) or barricaded person(s). CNRT personnel may be

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mobilized and deployed for special field situations when authorized by the on-duty Watch Commander or other Command Officer.

The CNRT should be considered for activation under the following guidelines:

- Barricaded subjects;
- Hostage situations;
- Suicidal Subjects;
- Sniper situations;
- High-risk apprehension;
- High-risk warrant service;
- Dignitary protection; Special assignments

The following procedures shall be followed once the decision to activate the CNRT has been made:

(a) Notify the CNRT Lieutenant or one of the Team Sergeants.

(b) After receiving the initial information, the CNRT Lieutenant or Team Sergeant(s) shall be responsible for activating the rest of the team.

(c) At the time, the CNRT Lieutenant/Team Sergeants arrive at the station, the Watch Commander should be able to provide them with the following information:

- The nature of the incident.
- The address of the incident.
- The radio procedure used for the operations.
- The best route to the Command Post without driving past the suspect location.
- The number of suspect(s) and hostages, including clothing and any physical description, as well as names, if available.
- The number and types of weapons used or available to the suspect(s), including threatened use of explosives.

414.4 SECURING TELEPHONE LINES

The supervisor of the CNRT or SWAT Team is authorized to order a telephone security employee to establish a direct telephone line to prevent telephone communication by the holder of the hostage(s) or barricaded person(s) with any person other than directed by a Police Officer in accordance with Section 7907 of the Public Utilities Code.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (b) A minimum perimeter of 300 feet should be established around the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Watch Commander including:
 - 1. The stated threat.
 - 2. Exact comments.
 - 3. Time of discovery.
 - 4. Exact location of the device.
 - 5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

416.2.1 COMMUNICATIONS CENTER RESPONSIBILITY

The communications center will have the following responsibilities when a bomb threat is received.

- (a) Upon receiving notification of bomb threat, the law enforcement communications center will assign a patrol unit and a field supervisor to the scene.

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(b) Notify the Watch Commander of the receipt of the bomb threat. He will in turn notify the Investigative Division Commander.

(c) The communications center will notify any facility threatened in the event the threat was not received by the target facility.

(d) The communications center will notify the Fire Department to be on standby in the event of detonation.

416.2.2 SCENE COMMANDER RESPONSIBILITY

(a) Upon receiving an assignment in reference to a bomb threat, the assigned units will proceed directly to the scene. All incoming and outgoing radio and cellular phone transmissions should be discontinued within 300 feet of the threatened facility.

(b) Upon arrival at the scene, the officer assigned will take charge and become the scene commander, unless relieved by a field supervisor. It shall be the scene commander's responsibility to work with the facility management in determining the possible need for evacuation. Whether or not to evacuate is a management decision and should be based on all available information. If the facility is to be evacuated and time permits, all evacuation routes and exits should be searched prior to the evacuation.

(c) The scene commander will, if possible, interview the recipient of the bomb threat to ascertain any information which might be beneficial in locating the device or determining a time element which might be a consideration.

(d) Cooperation between the officer on the scene and the facility personnel should be utilized in the search for an explosive device. If possible, the search should be conducted by volunteer employees who are familiar with the area to be searched. All search personnel should be cautioned not to touch or disturb any suspicious or unfamiliar packages or containers. If time is an element of the reported threat, all search procedures should be discontinued twenty minutes prior to the reported time of threatened detonation and not resumed until thirty minutes thereafter.

(e) The scene commander shall establish a temporary command post in an area with telephone service. The location should be made known to all search teams with instructions to report immediately any suspicious items or packages.

(f) If the building or area searched fails to disclose any suspected items, the responsibility for returning persons to the area shall also be the decision of the facility management.

(g) No officer will make any statement that no explosive device exists. The scene commander or the public information officer shall be responsible for making any statement.

(h) The officer initially assigned the call shall be responsible for the completion of the necessary reports.

416.2.3 BOMB TECHNICIAN'S RESPONSIBILITIES

(a) A technician will bring the vehicle or bomb disposal unit to the scene. (b) Upon arrival, the technician will contact the bomb scene officer to obtain as much information as possible about the case. (c) The technician will approach and attempt to identify the device. (d) The technician will contact the bomb scene commander and state his opinion of the capability of the device should detonation occur. He/she will also advise on additional evacuation and/or assistance if necessary.

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(e) The technician will accomplish the removal and disposal of the device. The technician has complete authority in the method used in disposal of the device. (f) When the removal of the explosive components of a bomb is to be accomplished, they will be transported in the bomb bucket to the nearest preselected safe area. Any deteriorated explosives or homemade chemical explosive mixtures which the technician determines to be unstable will be transported in the bomb bucket to the nearest preselected safe area and destroyed immediately. (g) All items that can be safely stored will be retained as evidence. No explosives shall be stored in the police building or in the police vehicles. (h) Upon completion of E.O.D, the technician shall notify the appropriate Federal investigative agency.

416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, bloodborne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- (a) Fire Department
- (b) Bomb Squad
- (c) Additional officers
- (d) Field supervisor
- (e) Watch Commander
- (f) Detectives
- (g) Forensic Science Services

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

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416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure shall be followed should a bomb threat call be received at the police facility.

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a call of a bomb threat is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

416.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Watch Commander is immediately advised and fully informed of the details. The Watch Commander will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

416.4.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could be extended for several hundred feet. Evidence may be imbedded in nearby structures or hanging in trees and bushes, etc. A search of the area should be conducted for other objects foreign to the area such as a secondary device. If an item is found, it should not be touched. The item should be secured

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and the officer should wait for the arrival of the Sheriff's Bomb Squad.

Mental Illness Commitments

418.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code § 5150. The commitment of a person under § 5150 does not constitute an arrest.

418.2 AUTHORITY

Pursuant to Welfare and Institution Code § 5150 when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, or other individual authorized by statute has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

418.3 PSYCHIATRIC EMERGENCY TEAM

A mobile Mental Health Assessment Team (M.H.A.T.) is available around the clock to assist officers in evaluating mental health cases in the field, particularly if a 72-hour hold seems appropriate. If the Team is out of service at the time or the individual has an overriding medical problem, or if it is necessary to expedite the commitment, the officer may take the individual directly to Cottage Hospital Emergency and the Team will respond as soon as possible. After evaluation, the M.H.A.T. will do one of the following:

- (a) Write a §5150 WIC petition and initiate appropriate subsequent procedures thus permitting the officer to return to the field; or
- (b) Arrange for an alternative disposition when an appropriate diversion program is available; or
- (c) Conclude that the individual is not a candidate within §5150 WIC and so advise the officer. If the officer disagrees with this finding, he may request the duty Watch Commander to initiate a telephone call of appeal to a M.H.A.T. supervisor. The telephone number will be on file in the Watch Commander's office.

In the event that the individual is a juvenile or a person already in a hospital, the Psychiatric Health Assessment Team (P.H.A.T.) will do the evaluation.

418.4 FIREARMS IN POSSESSION OF MENTALLY ILL PERSONS

When a person is detained and ultimately released to the Mental Health Assessment Team for examination of their mental condition and is in possession of a firearm, it shall be booked for safekeeping. At the time the weapon is confiscated the peace officer taking the weapon

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shall notify the person, from whom the weapon was seized, of the procedure for return of the weapon.

The peace officer will also provide a receipt and "Notice of Rights" and have the person read and sign the notice, if possible. If the person is violent or gravely disabled and unwilling to, or unable to sign, the officer shall complete the form and make note why the person was unable to sign. The officer shall give a copy of the notice to the detained person.

The original "Notice of Rights" form is retained by the officer, is attached to a copy of the police report and is forwarded to the District Attorney's office. The District Attorney's office has 30 days from the date of detention to initiate a petition in Superior Court to prevent the return of the weapon.

The District Attorney's office will notify the person by letter of their right to contest the forfeiture. If the person responds and requests a hearing, the court clerk will set a hearing date no later than 30 days after receipt of the request.

If the person does not respond within 30 days the District Attorney will file a petition for order of default, thereby forfeiting the weapon.

There will be cases where an officer has detained a person for examination of their mental condition, and the Mental Health Assessment Team does not take custody of the person. The same procedures apply: seize the weapons, make proper notification, complete the receipt and "Notice of Rights" form, write a report detailing the apprehension of the person and seizure of weapons and the Mental Health Team's conclusion, and then forward the report to the District Attorney for a petition.

When a person is taken into custody on criminal charges because of his mental condition the same procedures apply.

418.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapon. Any such firearm or other deadly weapon should be confiscated in a manner consistent with current search and seizure law (Welfare and Institutions Code § 8102(a)).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent) (Penal Code § 1524).

For purposes of this section, deadly weapon means any weapon, the possession of which or carrying while concealed, is prohibited by Penal Code § 19100; 21310.

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt, fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered, along with any applicable time limit for recovery (Penal Code § 33800).

The handling officer shall further advise the person of the below described procedure described below for the return of any firearm or other deadly weapon which that has been confiscated (Welfare and Institutions Code § 8102(a)). For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code § 19100; 21310.

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418.6 TRANSPORTATION OF MENTALLY ILL PERSONS

An officer shall request an ambulance to transport mentally ill persons only if the person is:

- (a) Violent and requires restraint to the extent that he must be transported lying down.
- (b) Injured or physically ill and is in need of immediate medical attention.

418.7 ENTERING PSYCHIATRIC WARD - FIREARMS TO BE REMOVED

Before entering the psychiatric ward of the Hospital, an officer shall unload and secure his/her firearm in the trunk of the police vehicle.

418.8 TRAINING

As a part of advanced officer training programs, this agency will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code §13515.25.

Cite & Release Policy

420.1 PURPOSE AND SCOPE

Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A jail release is when a violator is released after being transported to the jail and booked.

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with this law.

420.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6 and Penal Code § 1270.1).

420.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with Watch Commander approval.

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Cite & Release Policy

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed below.

420.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
 - 1. The Santa Barbara Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.
 - 1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
 - 2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the officer may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.
 - 3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.
- (d) There are one or more outstanding arrest warrants for the person.
- (e) The person could not provide satisfactory evidence of personal identification.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented.
- (j) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.)

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When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Section.

420.3.4 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.4 CITATION RELEASE ON MISDEMEANOR WARRANTS

Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence
- (b) The misdemeanor cited in the warrant involves a firearm
- (c) The misdemeanor cited in the warrant involves resisting arrest
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer
- (e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics
- (f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety
- (g) The person has other ineligible charges pending against him/her
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person
- (i) The person refuses to sign the notice to appear
- (j) The person cannot provide satisfactory evidence of personal identification
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section shall be done in accordance with the provisions of this section.

420.5 JUVENILE CITATIONS

Juvenile offenders may generally be released upon citation based upon the same criteria as adult offenders except that juvenile cite releases shall be limited to the following offenses:

- (a) Traffic
- (b) B&P alcohol violations
- (c) 11357(b) H&S violation (marijuana less than an ounce)
- (d) Municipal Code infractions

Officers may elect to hold juvenile offenders (under age 18) for release to a parent or guardian if it would appear to better serve the interests of society and the offender. When citing juvenile offenders officers shall include in the summary the name and telephone

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number of a parent or guardian. The Probation Department is then checked under the promise to appear signature and the box for "Violator will be notified when to appear" is checked as well. This will result in a petition being filed with the Probation Department and the juvenile being notified to appear with the parent or guardian.

420.6 DISPOSITION OF ALCOHOLIC BEVERAGE EVIDENCE WHEN CITATION IS ISSUED OR AN ARREST OF PUBLIC DRUNKENNESS IS MADE

In cases of minor in possession, public drunkenness, violations of the city's drinking ordinance and open container in vehicle, the alcohol may be destroyed at the scene in the presence of the violator(s). Officers are to make a notation to that effect on the citation in the spaces provided for violation description. In the case of an arrest for public drunkenness, the fact shall be included in the report. If, at the scene, a defendant indicated that the substance he/she is being arrested for is not alcohol, the item should be booked into evidence. In all other cases, including driving under the influence, the containers shall be retained for evidence in the approved manner.

420.7 CITATION RELEASES FOR MISDEMEANOR 23152(A)(B) C.V.C. ARRESTS

Adults arrested for a misdemeanor charge of driving under the influence may be released with a notice-to-appear citation if the following criterion has been satisfied:

- (a) The arrestee's vehicle has been towed and stored.
- (b) A chemical test has been satisfactorily completed.
- (c) Admin Per Se has been completed.
- (d) The arrestee has agreed to be admitted to the Sobering Center and to remain until officially released, or a sober, responsible adult will accept the arrestee after they have been processed.
- (e) When completing the citation, you must check the "Booking Required" box.

Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State [website](#).

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic

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agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the California Emergency Management Agency (Cal EMA).

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

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422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

- (a) Identification documents are to be requested of the claimant
- (b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear
- (c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain
- (f) All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter
- (g) The violator shall be provided with the appropriate copy of the notice to appear

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an

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individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions San Francisco, CA (415) 744-2910, Ext. 22 or 23 (415) 744-2913 FAX (0800-1700 PST) Office of Foreign Missions Diplomatic Motor Vehicle Office Washington D.C. (202) 895-3521 (Driver License Verification) or (202) 895-3532 (Registration Verification) (202) 895-3533 FAX (0815-1700 EST)	Office of the Foreign Missions Los Angeles, CA (310) 235-6292, Ext. 121 or 122 (310) 235-6297 FAX (0800-1700 PST) Department of State Diplomatic Security Service Command Center Washington D.C. (202) 647-7277 (202) 647-1512 (Available 24 hours) (202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by California Emergency Management Agency (Cal EMA), local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

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422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Watch Commander/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance
- (c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.

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- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact Combined Communications Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide Combined Communications Center with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide Combined Communications Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

422.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Combined Communications Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

Active Shooter

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

- (a) To obtain and maintain complete operative control of the incident.
- (b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.
- (c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
- (d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
- (e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

- (a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the officers have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.
- (e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.
- (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

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- (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

424.3.1 DECISION TO ADVANCE ON THE SUSPECT(S)

The decision to advance on the suspect(s) is a decision that the on scene first responders must make. The multitude of variables in such a circumstance requires a rapid assessment of the situation, a decision as to the best tactics to implement and the timely action necessary to resolve the incident. The following are some examples and appropriate actions that on-scene officers may employ:

Section

- (a) Barricaded suspect(s) - wait for additional assistance, probable SWAT/CNRT response unless timely resolved.
- (b) Barricaded suspect(s) with hostages and no harm done to the hostages - wait for additional assistance or SWAT/CNRT response.
- (c) Suspect(s) actively shooting hostages or others in the area - take immediate action, if possible, to neutralize the suspect while calling for assistance.
- (d) Suspect(s) had been actively engaging in violent deadly or potentially deadly behavior and intelligence/investigation determines that the suspect(s) may reinstitute such behavior. Intervention to neutralize the threat may be initiated.
- (e) Initial intelligence/investigation reveals that suspect(s) may be associated with some type of terrorist group (may be formal, informal, domestic, international, or other). Immediate intervention may be taken to prevent the suspect(s) from gaining a foothold on their location.
- (f) Suspect(s) had been actively engaging in violent deadly or potentially deadly behavior and intelligence/investigation determines that injured victims are in need of immediate medical care. Intervention to rescue victims may be initiated.

Reporting Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Santa Barbara Police Department.

426.2 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by another agency to participate in police activity outside the city limits of Santa Barbara, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the outside request is of an emergency nature, the officer shall notify dispatch before responding and thereafter notify a supervisor as soon as practical.

426.3 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

This section shall address these two insures: a protocol for the notification of planned events in another agency's jurisdiction and procedures to follow in situations involving a field contact or confrontation between undercover officers and uniformed personnel.

426.3.1 DEFINITIONS

(a) A service agency is the law enforcement agency initiating an investigation or planned event which enters another agency's jurisdiction.

(b) A venue agency is that law enforcement agency having primary responsibility for the delivery of police services in a geographical area.

(c) A planned event is a law enforcement activity which can be/is planned in advance, such as the service of a search or arrest warrant, a money or narcotics show, a protracted surveillance, etc.

426.3.2 NOTIFICATION

Prior to a planned event, the service agency shall notify the venue agency, in a timely manner, of the proposed event. Notification will normally be to the venue agency's watch commander. Such notification should include:

(a) The time and location of the planned event and the names of the involved persons, if applicable.

(b) The nature of the planned event, i.e., search warrant, etc.

(c) An assessment of the potential for problems.

(d) What assistance, if any, is or may be requested of the venue agency.

426.3.3 RESPONSIBILITY

Once received, the venue agency is responsible for:

(a) Maintaining the confidentiality of the information.

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(b) Any intra-departmental notifications which they deem appropriate.

(c) Providing reasonable assistance, if requested.

426.3.4 CONCLUSION

At the conclusion of the event, the service agency shall make an exit notification to advise of the event's termination. If possible, this notification should be to the same individuals or their reliefs. Should the event result in a noteworthy incident (i.e., a large seizure, arrest of a notable person), this information shall likewise be conveyed to the venue agency. Press notifications, if appropriate, should be handled by the service agency or jointly.

426.3.5 FIELD CONTACT/CONFRONTATIONS

Because plainclothes/undercover officers are not readily identifiable as law enforcement members, contacts between them and uniformed personnel include the potential for confrontation. The primary responsibility for avoiding or defusing this risk lies with the nonuniformed officer(s). Their actions and deportment when contacted by a uniformed officer is critically important. The following suggestions are intended to assist in avoiding or alleviating the tension possible in such contacts. The plainclothes officer should:

(a) Carry the firearm well concealed, rather than partially or completely exposed to view.

(b) When stopped, identify himself/herself verbally and indicate where credentials and weapons are located.

(c) Follow the instructions of the uniformed officer explicitly.

(d) Avoid any sudden movement which could be interpreted as suspicious or threatening. Keep hands in sight and open.

(e) Comply with any requests of the uniformed officer without hesitation.

(f) Be prepared to provide the phone number and name of a supervisor or other agency member who may be contacted for verification as requested by the uniformed officer.

The uniformed officer's conduct and deportment in such situations will go far in preventing lingering feelings of animosity. A concern for one's safety is of primary importance, and reasonable requests intended to provide for that safety will be understood. However, unusual requests or unreasonable tactics tend to generate resistance and should be avoided. The uniformed officer should:

(a) Ensure that verbal instructions are clear and concise.

(b) Request credentials and examine them thoroughly.

(c) Contact the plainclothes officer's unit of assignment when there are doubts as to the authenticity of credentials.

(d) Request that a uniformed field supervisor respond should circumstances dictate.

Any officer, on duty or off duty, who engages in law enforcement activities of any type outside the immediate jurisdiction of Santa Barbara shall notify his or her supervisor or the on duty Watch Commander at the earliest possible opportunity.

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The supervisor shall determine if a police report or inner-office memo is required to document the officer's activity. The report or memo shall be forwarded to the officer's Division Commander.

Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C., §§ 1304, 1324, 1325 and 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, United States Code.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

428.3.2 SWEEPS

The Santa Barbara Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

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428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances).

428.3.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Whenever an officer has reason to believe that any person arrested for any offense listed in Health & Safety Code §11369 or any other felony may not be a citizen of the United States and the individual is not going to be booked into the Santa Barbara County Jail staff has the responsibility to notify ICE if they deem it appropriate.

Whenever an officer has reason to believe that any person arrested for any offense listed in Health & Safety Code §11369 or any other felony may not be a citizen of the United States, and the individual is not going to be booked into County Jail, the arresting officer shall cause ICE to be notified for consideration of an immigration hold.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Santa Barbara Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any subject. Race, gender, religion, sexual orientation, age, occupation or other arbitrary aspects are of no bearing on the decision to arrest. All individuals, regardless of their immigration status, must feel secure that contacting law enforcement during times of crisis or to report suspicious or criminal activity will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. If it is determined that a victim or witness is an illegal immigrant, he/she need not be reported to ICE unless they are booked for a criminal violation.

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428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T); 8 USC § 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Detective Bureau sergeant assigned to supervise the handling of any related case. The Detective Bureau sergeant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.

428.4.2 HUMAN TRAFFICKING T-VISA

Officers and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (Penal Code § 236.5).

Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by Combined Communications Center.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Combined Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

Santa Barbara Public Works furnishes maintenance for all traffic signals within the city, other than those maintained by the State of California.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Combined Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Aircraft Accidents

434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

434.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

434.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

- (a) Determine the nature and extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure the Coroner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident,

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the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

434.2.3 COMBINED COMMUNICATIONS CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Fire Department
- (b) The affected airport tower
- (c) Closest military base if a military aircraft is involved
- (d) Ambulances or other assistance as required

When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

The Airport Manager should be notified as soon as practical. Notification may be accomplished through airport employees or by calling the Airport Manager at home during non-business hours.

434.2.4 ADMINISTRATIVE SERVICES LIEUTENANT RESPONSIBILITIES

The Administrative Services Lieutenant is responsible for the following:

- (a) Forward and maintain an approved copy of the accident report to the California Department of Aeronautics
- (b) Forward a copy of the report to the Patrol Division Commander and the manager of the affected airport

434.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Department Public Information Officer is responsible for the following:

- (a) Obtain information for a press release from the on-scene commander or his or her designee

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- (b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

434.3 DOCUMENTATION

Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented.

Obtaining Air Support

438.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) Crime in progress
- (b) To assist a search
- (c) Surveillance
- (d) To facilitate an investigation
- (e) Aerial photography
- (f) Vehicle Pursuit

Field Interviews & Photographing of Field Detainees

440.1 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.

440.2 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.

440.3 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.

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- (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.

440.3.1 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 Santa Barbara Police Department to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

440.4 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:

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- (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.

440.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 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.

440.5.2 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.

440.6 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.

440.7 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.

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If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Watch Commander will forward the photo and documents to the Gang Supervisor. The Gang Supervisor will ensure the photograph and supporting documents are retained as prescribed by Policy § 442.
- (b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Section. These photographs will be purged as described in Policy § 440.7.1.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Section in a separate non-booking photograph file in alphabetical order.

440.7.1 PURGING THE FIELD PHOTO FILE

The Administrative Services Lieutenant will be responsible for ensuring that photographs maintained by the Records Section 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 Santa Barbara Police Department and the booking file remains in the Records Section.

440.8 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.

440.8.1 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.

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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 Santa Barbara 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 Santa Barbara 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 FI was not obtained in accordance with established law or Santa Barbara 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 Santa Barbara 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.

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 Street Gangs

442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code § 186.20 through Penal Code § 186.33 of the "Street Terrorism Enforcement and Prevention Act."

The intent of this policy is to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants. This policy is not intended or designed to establish a formal gang intelligence database.

442.2 DEFINITIONS

Pattern of Criminal Gang Activity - The commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

Criminal Street Gang - Any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Penal Code § 186.22(e), and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

Gang Related Crime - Any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

442.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

The Gang Information Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

- (a) A group of three or more individuals shall be designated a criminal street gang when:
 - 1. They have a common name or common identifying sign or symbol.
 - 2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in Policy Manual § 442.2.
 - 3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2 of this policy.
 - 4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.
- (b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a Gang Information Unit member and a reasonable basis for believing such affiliation has been established and approved by a supervisor:

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1. An individual admits membership in a criminal street gang.
 2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
 3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
 4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
 5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.
 6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
 7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 C.F.R. 23.20.
- (c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

442.4 CRIMINAL STREET GANG TEMPORARY FILE

The Gang Unit Supervisor may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected criminal street gang participant or a suspected criminal street gang but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a department approved criminal gang intelligence database. Reports and FIs will only be included in a temporary gang file with the written authorization of the Gang Unit Supervisor. A temporary file of criminal street gang participants or criminal street gangs shall include:

- (a) Names, aliases, monikers, addresses, and other relevant identifying information.
- (b) Gang name.
- (c) Justification used to identify an individual as a criminal street gang participant.
- (d) Vehicle(s) known to be used.
- (e) Cross references to other identified gangs or gang members.

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442.4.1 REVIEW AND PURGING OF GANG PARTICIPANT FILE

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a department approved criminal gang intelligence database.

The Gang Unit Supervisor shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal street gang files is the responsibility of the Gang Unit Supervisor.

442.4.2 CRIMINAL GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Chief of Police may approve one or more criminal gang intelligence databases, such as CALGANG, for use by members of the Gang Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Gang Unit Supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into a department approved criminal gang intelligence database. The Gang Unit Supervisor should forward any such reports or FIs to the Records Section after appropriate database entries are made. The submitting Gang Unit Supervisor should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Records Section Supervisor to retain reports and FIs in compliance with the procedures of the department approved criminal gang intelligence database and 28 C.F.R. § 23.20. The Records Section Supervisor may not purge these reports or FIs without the approval of the Gang Unit Supervisor.

442.5 FIELD CONTACTS

Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

442.6 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the temporary criminal street gang participant's file, such information shall be provided by the unit supervisor, unless there is good cause to believe that the release of such information may jeopardize an ongoing criminal investigation.

Employees must observe strict compliance with the rules of a department approved gang intelligence database regarding release of information from that database.

442.7 DISSEMINATIONS OF THE FILE INFORMATION

Information from the temporary criminal street gang participant files may only be furnished to Department personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity

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Criminal Street Gangs

or information concerning the investigation of gang-related crimes shall only be released to members of this department and other law enforcement agencies.

Information from any department approved gang intelligence file must only be released in compliance with the rules for that particular database.

442.8 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

- (a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.
- (b) Whether any photographs were taken and a brief description of what they depict.
- (c) What physical evidence, if any, was observed, collected or booked.
- (d) A specific request to that a copy of the report be routed to the Gang Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

Mobile Audio Video Procedure

446.1 PURPOSE AND SCOPE

The Santa Barbara Police Department has equipped each marked patrol car with a Mobile Audio & Video (MAV) recording system. The MAV is designed to assist and compliment patrol officers in the performance of his/her duties. The MAV is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the officer's report.

446.2 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will check out the appropriate video media from the equipment room. At the end of shift each officer will return the video media to the equipment room according to the check-in procedures. Video media will be returned to the equipment room even if no activity was recorded.

Officers shall test the MAV system by recording his/her name, serial number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

446.3 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit emergency lights are activated. The system remains on until turned off manually. The audio portion must be activated manually by each officer and is independent of the video; however when audio is being recorded the video will also record.

446.3.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation where the system may be used however here are many situations where the use of the MAV system is appropriate. In addition to the required situations, officers may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera however the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The activation of the MAV system is required in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range, which includes:
 - 1. Vehicular pursuits
 - 2. Suspicious vehicles
 - 3. Arrests
 - 4. Pedestrian checks
 - 5. DUI investigations including field sobriety tests
 - 6. Consensual encounters
 - 7. Responding to an in-progress call

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- (b) All self-initiated activity in which an officer would normally notify Combined Communications Center
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any other circumstances where the officer believes that a recording of an incident would be appropriate

Once the MAV system is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or other similar situations.

446.3.2 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, or actively on patrol.

Absent legal cause or lawful order, no member of this department may surreptitiously record any other member of this department without the expressed knowledge and consent of all parties.

446.4 REVIEW OF MAV RECORDINGS

Recordings may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of officer conduct
- (b) By a department detective after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (c) By department personnel who request to review their own recordings
- (d) By court personnel through proper process or with permission of the Chief of Police or his/her designee
- (e) By media personnel with permission of the Chief of Police or his/her designee
- (f) Recordings may be shown for the purposes of training value. If an involved officer objects to the showing of recording, his/her objection will be submitted to staff to determine if the training value outweighs the officer's objection for not showing the recording.

Employees desiring to view any MAV recording shall submit a request in writing to the Watch Commander.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

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Mobile Audio Video Procedure

446.5 DOCUMENTING MAV USE

Any incident that was recorded with either the video or audio system shall be documented in the officer's report. If a citation was issued, a notation shall be placed on the back of the records copy of the citation that the incident was recorded.

446.6 VIDEO MEDIA STORAGE AND INTEGRITY

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed, or recycled (Government Code § 34090.6).

446.6.1 COPIES OF VIDEO RECORDINGS

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in Policy Manual § 446.4.

Original video recording media may only be released in response to a valid court order or upon approval by the Chief of Police or his/her designee. In the event that an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

446.6.2 MAV RECORDINGS AS EVIDENCE

Only in exceptional circumstances will original video media be booked into evidence. The exceptions would include a major event such as a homicide or as directed by the Watch Commander or a member of staff. If a video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.

Mobile Digital Computer Use

448.1 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.

448.2 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.

448.2.1 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.

448.2.2 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.

448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDC system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC's.

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Mobile Digital Computer Use

448.3 MDC CONSIDERATIONS

448.3.1 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 Combined Communications Center. It shall be responsibility of Combined Communications Center to record all information that will then be transmitted verbally over the police radio.

448.3.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDC's. Operating the MDC may cause some devices to detonate.

Use of Audio Recorders

450.1 PURPOSE AND SCOPE

The digital audio recorder (DR) consists of a personal digital voice recorder and the original storage media. The DR is designed to assist and compliment department personnel in the performance of their duties. The DR is used to record citizen contacts and provides an unbiased audio record that may supplement the DR user's report or act as an aid in recollection of an incident.

450.2 ACTIVATION OF THE DR

The DR is turned on and off manually. Personnel assigned DR equipment must be familiar with the activation and operation of the device in order to comply with the obligations of this section.

Penal Code § 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential. However, Penal Code § 630 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

(a) No member of this Department may surreptitiously record a conversation of any other member of this Department without the expressed knowledge and consent of all parties. (Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code § 3303g).

(b) Any member of this Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

1. For the purpose of this policy, any officer contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. (This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.)

(c) Members of the Department are encouraged to activate their recorders at any time the officer reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit.

1. At no time should an officer jeopardize his/her safety in order to activate a recorder or change the storage media.

2. Officers are prohibited from utilizing department digital recorders and storage media for personal use.

450.2.1 DR USE

There are many situations where the use of the DR is appropriate. This policy is not intended to describe every possible situation where use of the equipment may be appropriate. Officers may activate the DR any time they feel its use would be appropriate and/or valuable to document an incident. The following are situations that may be appropriate for the use of the DR to obtain a recording:

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Use of Audio Recorders

(a) To assist in the prosecution of certain criminal investigations, employees shall make every reasonable effort to record the following contacts for evidentiary purposes:

1. Domestic violence calls
2. "Officer Involved Shooting" incident witness interviews
3. Major disturbances

(b) Field contacts involving actual or potential criminal conduct, within audio range, which may include:

3. Traffic and Parking contacts
4. Arrests
5. Pedestrian Checks
6. DUI investigations including field sobriety tests
7. Consensual encounters
8. Suspicious vehicles
9. Witness statements

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect.

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping.

450.3 OFFICER RESPONSIBILITIES

Each person assigned a DR will maintain the equipment while in her or his possession. The DR will be carried upon the person in a manner that will allow for easy operation without impairing the capabilities of the equipment. Prior to going into service, each DR user will check the equipment to ensure it is working properly.

450.3.1 EVIDENTIARY DIGITAL RECORDINGS

Officers who have made Digital Recordings of evidentiary matters shall copy the recording to a storage media (CD or DVD) and book the disc as evidence. After ensuring the evidentiary recording has been successfully copied to a storage disc, the officer shall delete the original file from his/her DR.

450.3.2 DISCRETIONARY DIGITAL RECORDINGS

Officers who have made discretionary Digital Recordings (i.e. traffic stops, etc) may save the recording to their departmental directory ("audio") for subsequent retrieval. Officers who have saved discretionary digital recordings shall not delete the recording from their departmental directory for a period of 12 months.

450.3.3 DELETING DIGITAL RECORDINGS

Officers, who have saved a discretionary Digital Recording to their departmental directory and subsequently become aware that the recording is pertinent to any criminal, civil, or

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administrative process, shall immediately notify their supervisor of the existence of the recording and shall not delete the recording from their departmental directory without the expressed permission of the Chief of Police or his designee.

450.3.4 DOCUMENTATION OF DR USE

If the DR was activated and a report, citation, or field interview card was completed, the officer shall notate the DR activation in the documentation. The officer shall note the recording in the report narrative or write "DR" on the back of the citation or field interview card.

450.3.5 DUPLICATION OF ORIGINAL DR

If a request for the release of a booked or stored DR is made pursuant to a court Discovery Order or other approved means, a copy of the DR shall be made and the original DR shall remain booked as evidence in the Property Room or on the authorized storage media. Under no circumstances, except by court order, shall an original DR recording be released outside the department.

450.3.6 DR STORAGE MEDIA AS EVIDENCE

Only in exceptional circumstances will the issued DR be booked into evidence. If the DR is booked into evidence, it shall be booked in the same manner as regular property and referenced in the police report.

Medical Marijuana

452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under California's Compassionate Use Act (Health & Safety Code § 11362.5) and criminal narcotics violations.

452.2 ENFORCEMENT

Although federal law does not currently permit possession of marijuana for medical use, California has created a limited defense (i.e. no penalty) for certain qualified individuals possessing small quantities of marijuana for medical use under strict conditions.

- (a) Notwithstanding California Medical Marijuana laws:
 - 1. California does not provide any exception for individuals driving under the influence of marijuana. All such cases should be handled with appropriate enforcement action (e.g., Vehicle Code § 23152, et seq.).
 - 2. Medical marijuana may not be smoked outside of a residence within 1000 feet of a school, recreation center, youth center or in a vehicle or boat (Health & Safety Code § 11362.79).
 - 3. No probationer or parolee may possess medical marijuana unless such possession is authorized in writing by court order or parole conditions (Health & Safety Code § 11362.795).
- (b) Possession, cultivation and sales of marijuana in quantities beyond that which might reasonably be construed as for personal use should be handled as criminal cases with appropriate enforcement action taken pursuant to Health & Safety Code §§ 11357, 11358 and 11359.
 - 1. The amount of marijuana possessed must be consistent with the medical needs of the qualified patient or person with valid ID card.
 - 2. The quantity and form of marijuana must also be reasonably related to the patient's current medical needs.
 - (a) Absent a verifiable doctor's recommendation to exceed allotted quantities, a qualified patient or primary caregiver may possess no more than eight ounces of dried marijuana per qualified patient, or;
 - (b) Maintain no more than six mature, or twelve immature marijuana plants per qualified patient (Health & Safety Code § 11362.77(a)(b)).
- (c) In any case involving the possession or cultivation of marijuana, the handling officer should inquire whether the individual is claiming that the marijuana is for medicinal purposes.
 - 1. If no such claim is made, the officer should proceed with normal enforcement action.
 - 2. If a claim of medicinal use is made, the officer should proceed as outlined below.

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Medical Marijuana

452.3 MEDICINAL USE CLAIMS

In order to qualify for a medicinal marijuana defense, any individual making such a claim must affirmatively establish the following information. If the individual cannot or will not provide all of the required information, the officer should note such fact in any related report and proceed with appropriate enforcement action.

452.3.1 PATIENTS

- (a) An individual may establish his/her status as a qualified patient by presenting a current and valid state issued identification card issued by the Department of Health (Health & Safety Code § 11362.735). Such identification cards shall contain the following information:

1. A unique serial number.
2. An expiration date.
3. The name and telephone number of the county health department approving the application.
4. A 24-hour toll-free number for law enforcement to verify the validity of the card (Verification can be checked at www.calmmp.ca.gov).
5. A photograph of the cardholder.

No officer shall refuse to accept a properly issued identification card unless the officer has reasonable cause to believe that the information contained in the card is false or that the card is being used fraudulently (Health & Safety Code § 11362.78).

- (b) If the individual does not possess a valid state issued identification card, the individual claiming status as a qualified patient must minimally provide the following information:
1. Satisfactory identification establishing current residency in California.
 2. A current and valid medical marijuana ID card from a local governmental agency (e.g., county) or a current and verifiable, written recommendation for marijuana from a California licensed physician.
 3. In the absence of a valid identification card, the handling officer should also obtain a written waiver from the involved individual authorizing the release of all related medical records.

452.3.2 PRIMARY CAREGIVERS

Primary caregivers are subject to the following requirements (Health & Safety Code 11362.765):

- (a) A primary caregiver is not authorized to use, sell, or possess marijuana for sale.
- (b) A primary caregiver must provide sufficient proof that he/she is responsible for the patient's housing, health and/or safety.
- (c) A primary caregiver must provide sufficient proof of personal knowledge of the patient's medical needs and the details of the attending physician's recommendation.
- (d) Upon proof that a qualified primary caregiver is caring for more than one qualified patient, he/she may aggregate possession and cultivation limits. For example, a primary caregiver caring for three qualified patients may possess 24 ounces (eight ounces per patient) of marijuana (Health & Safety Code § 11362.7(d)(2)).
- (e) While qualified patients and primary caregivers may be permitted to collectively or cooperatively associate to cultivate medical marijuana, such individuals must strictly

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adhere to all non-profit and local business requirements (Health & Safety Code § 11362.775).

452.3.3 CLAIM REQUIREMENTS MET

Once the handling officer is satisfied that the individual making a medicinal marijuana use claim meets the above requirements, the officer should proceed as follows:

- (a) A small sample of the involved marijuana should be seized and booked into evidence.
- (b) Any allowable amount of marijuana left in possession of a qualified individual for the limited purpose of medicinal use should be described and noted in the related report.
- (c) If the handling officer has already taken the individual into custody (vs. detention only) prior to establishing qualification for a potential medicinal use defense and there are no other criminal charges pending or being investigated, the individual should be released pursuant to Penal Code § 849(b).
- (d) If the individual remains in custody on any charge(s), the individual will not be permitted to use marijuana while being detained or held in jail or other law enforcement facility (Health & Safety Code § 11362.785(c)).
- (e) The handling officer shall complete a timely report which will be submitted to the District Attorney with all of the aforementioned documentation for a determination of whether the medicinal marijuana defense will apply.

452.3.4 RETURN OF MARIJUANA

Regardless of the prosecution status or disposition of any related criminal case, this department will not be responsible for the return of any marijuana seized as evidence except as may be required by a valid court order (Cal. Health and Safety Code § 11473.5 and 21 U.S.C. § 885(d)).

Automated License Plate Readers (ALPRs)

462.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Santa Barbara Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

462.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Administrative Services Division Commander. The Administrative Services Division Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

462.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through CLETS before taking enforcement action that is based solely on an ALPR alert.

462.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Santa Barbara Police Department and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

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Automated License Plate Readers (ALPRs)

The Administrative Services supervisor is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6), and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

462.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Santa Barbara Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Administrative Services Lieutenant and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

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Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Santa Barbara Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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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Traffic Function and Responsibility

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Department has provided ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (8 CCR § 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

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Traffic Function and Responsibility

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High visibility vests will be issued as a piece of safety equipment to each sworn member of the department and parking enforcement officers. Those employees shall carry the vest to be immediately available when the employee is on duty, to be worn as needed. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Santa Barbara Police Department prepares traffic collision reports in compliance with the California Statewide Integrated Traffic Records System Manual (SWITRS) and, as a public service, makes traffic collision reports available to the community, with some exceptions.

502.2 RESPONSIBILITY

The Traffic Supervisor will be responsible for distribution of the SWITRS manual. The Traffic Supervisor will receive all changes in the State Manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

Traffic Collision Reports taken by members of the Santa Barbara Police Department shall be approved by a supervisor and forwarded to the Records Bureau for approval and data entry into the Santa Barbara Police Department Records Management System.

502.3.1 DATA ENTRY

Personnel of Data Processing will enter the collision information for statistical data. A copy of all collision reports will be forwarded to SWITRS (CHP Sacramento) except:

- (a) Private property collision reports.
- (b) Late reports (counter and field).

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. A Private Property Collision Report may be taken at the discretion of any supervisor.

502.4.2 STATE REPORTING REQUIREMENTS

Traffic collision investigations shall be in compliance with the guidelines and requirements for traffic investigations as set forth in the California State Traffic Collision Report Manual. Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) A motor vehicle collision results in death of a person, on or off a highway.
- (b) A motor vehicle traffic collision on or off a highway results in a personal injury. (Includes visible injuries or complaint of pain.)
- (c) When there an identifiable felony violation has occurred.

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Traffic Collision Reporting

(d) When an investigating Officer determines that the circumstances surrounding the cause of the collision warrant a citation be issued for the contributing driving actions, and said violation could be prosecuted under current minimum criteria established by the local District Attorney (502.44) Circumstances where an investigating Officer should consider requesting a citation include, but are not limited to:

1. Injuries (and their extent) to any party involved in the collision
2. Total amount of property damage resulting from the collision
3. Extent of Driver negligence resulting in the collision (example: failure to yield at intersections, stop sign and stop light violations, and excessive speed)

(e) When an involved party is believed to be in violation of the hit and run provisions of Section 20002(a) or (b) of the Vehicle Code and sufficient information is available to identify both the suspect vehicle and suspect vehicle driver.

(f) When a city vehicle or public employee on duty is involved.

(g) All DUI related collisions.

502.4.3 COUNTER REPORTS

Traffic collision reports may be completed at the counter by a citizen when a field investigation is impractical and either of the following situations exists. Counter reports will be taken on the Santa Barbara Police Department Citizen Traffic Collision Report form.

(a) The report is a property damage collision made for insurance purposes (includes highway or private property).

(b) Injury collision with no medical treatment or hospitalization. (Includes highway or private property.)

(c) Hit and run reports with no anticipated follow-up investigation.

Hit and run collision reports shall be completed by an officer or the station officer when follow-up investigation is anticipated (ability to identify both the suspect vehicle and the suspect vehicle driver).

502.4.4 TRAFFIC COLLISION CITATION PROCEDURE

Officers completing a traffic collision investigation may issue or request a citation if one of the following conditions are met:

(a) There is an independent witness to the collision that supports the violation alleged;

(b) The physical evidence at the scene supports the violation alleged;

(c) The violation alleged can be proven without a witness or physical evidence (admission by the violator).

(d) Traffic citations shall not be issued to city employees involved in a collision while on duty.

When a citation is issued or requested, the collision shall be documented as an investigation on CHP 555. Officers who meet the requirements per §40600(a) CVC shall issue citations at the scene of the traffic collision if the supporting conditions have been met. If a citation is requested following the collision investigation the investigating officer shall forward the

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report to the traffic section supervisor requesting that a citation be issued after review. Pending review, the traffic investigator shall issue the citation and forward the citation to the appropriate court.

502.4.5 DEPARTMENT FLEET SAFETY

It is the responsibility of each employee to demonstrate proprietary interest with their vehicles and to properly report to their supervisor any damage sustained during their tour of duty. When the damage was caused by a traffic collision, a supervisor will respond to the scene and conduct an investigation into the events leading to the collisions. The supervisor will determine if:

- (a) Negligence (of either driver) was a contributing factor,
- (b) If there was a violation of the law,
- (c) Violation of Police Department Rules and Regulations.

When a vehicle becomes disabled during a rain storm, a supervisor shall conduct an investigation to determine if the officer or employee was negligent in the operation of the vehicle. It is recognized that floods and natural disasters can cause damage to police equipment and vehicles, but officers are expected to exercise due care with the operation of their vehicles. Unless absolutely necessary during the performance of their duty, officers should not drive into flooded streets or other flooded areas when alternate routes are available.

When the above criteria have been met, the supervisor shall document the information on an inter office memo and state whether the collision was preventable or non preventable. He shall also include safety suggestions that may prevent a recurrence at a later time. The memo is to be forwarded to the appropriate Division Commander.

Upon receipt of the memorandum, the Division Commander will review the entire incident, including the audited collision report. He may elect to either conclude the incident or take steps to institute disciplinary action. All officer involved traffic collisions are to be submitted to the Chief of Police for final review.

At his option, the Chief of Police may convene a Fleet Hearing Board to investigate the matter further. A ranking officer will chair the Hearing Board, members of which represent the Traffic Section, the involved officer's peers, and a supervisor from the officer's division.

Traffic Section personnel may be used as a resource during any phase of the investigation. The Traffic Supervisor will continue to record and file the information on the P.O.S.T. form that is provided for the officer driving record. All traffic collision reports involving SBPD employees shall be approved by the Traffic Section Supervisor.

502.5 PHOTOGRAPHS AT THE SCENE OF TRAFFIC COLLISIONS

All traffic collisions involving felony violations or misdemeanor violations in which prosecution is anticipated shall be photographed.

502.6 INFORMATION CARDS

When responding to traffic collisions, officers shall provide all parties to collisions traffic collision information cards with which to exchange information. This precludes when Officers complete the CHP 555-03 form, where a copy of the report will be provided to involved parties at the scene of the collision.

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 Santa Barbara Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

510.2.1 COMPLETION OF SBPD TOW FORM

Department members requesting storage of a vehicle shall complete CHP form 180, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records Section as soon as practical after the vehicle is stored.

Records personnel shall promptly enter pertinent data from the completed SBPD Tow form storage form into the Stolen Vehicle System and return the form to the Watch Commander for approval.

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or for information should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent by first-class mail pursuant to Vehicle Code § 22852.

510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

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 Combined 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 garage for the City of Santa Barbara. The officer will then store the vehicle using an SBPD tow form.

510.2.3 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.

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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.

510.2.4 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.

510.2.5 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.

510.2.6 RECORDS SECTION RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Department.
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

510.3 TOWING SERVICES

Upon proper application, the department may approve qualified towing services to be called when a citizen needs towing but has "no preference" as to which service to call. The Police Department will assist citizens by calling any towing company desired. If the citizen has no

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preference and requests that an officer call a towing company, one of the authorized firms shall be called in rotation. All officers are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

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.

510.4.1 VEHICLE INVENTORY SEARCHES

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. Officers 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 ensure against claims of lost, stolen or damaged property, and to provide for the safety of officers.

510.4.2 STORAGE OF VEHICLES AT DUI ARREST SCENES

Officers shall tow and store any vehicle that was being driven by a person who has been arrested for any Driving Under the Influence offense described in 23152 VC or 23153 VC. A sworn police supervisor may approve a deviation from this policy under unusual circumstances.

510.5 VEHICLE SEARCHES

Vehicles may be searched when one or more of the following conditions are met:

- (a) When probable cause to search the vehicle exists.
- (b) When it is reasonable to believe that the vehicle contains evidence of the offense of the arrest of the occupant(s).
- (c) With consent of the operator.
- (d) Incident to an arrest if the occupant(s) of the vehicle have not been secured and remain within reaching distance of the passenger compartment.
- (e) To search for weapons when reasonable suspicion exists that a weapon may be present.
- (f) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.
- (g) Under emergency circumstances not otherwise enumerated above.
- (h) Pursuant to a valid search warrant.

510.5.1 EVIDENCE OF OWNERSHIP

Police Department personnel shall insure that a claimant produce adequate evidence of ownership. The strongest evidence is a current ownership certificate (pink slip) made out to the person who presents it to the Department. The next strongest evidence is a currently

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valid vehicle registration certificate issued by the Department of Motor Vehicles. A bill of sale which appears to be regular on its face is acceptable evidence of ownership, when combined with evidence of re-registration of the vehicle to the claimant.

510.5.2 EVIDENCE OF PERSONAL IDENTIFICATION

In addition to ownership, Department personnel should insist that the claimant provide adequate personal identification to establish that the claimant is the person named on the ownership documents or has authority as agent. Evidence of personal identification should include information on the document which can link the claimant to the ownership documents. A driver's license with a picture and signature with a name and address corresponding to information on the ownership documents is strong evidence of personal identification. A DMV identity card (which is issued in lieu of a driver's license) is equally acceptable. Other documents which are adequate to establish that the claimant is the same person named on the ownership documents are acceptable, provided they produce a high degree of confidence in Police Department personnel that they are authentic.

The Police Department employee releasing a vehicle shall obtain the signature and address of the person to whom the vehicle is released upon the CHP Form 180 "Release" section. If the owner of the vehicle obtaining release, or their agent does not have a valid driver's license, the person accompanying them with a valid driver's license will also sign the CHP 180 Form. A copy of the storage report may then be given to the vehicle owner/agent.

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 and Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3 and Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license and applicable fees paid prior to the end of the 30-day impoundment period if the vehicle was stolen, if the driver reinstates his/her driver's license, if the driver acquires a license and proper insurance, or under other circumstances as set forth in Vehicle Code § 14602.6.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

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510.6.1 FINGERPRINTS ON STORED/IMPOUNDED VEHICLE

When a vehicle is held for prints, the impounding officer shall: (a) Notify the tow truck operator that the vehicle is to be held for prints. (b) Make a note on SBPD Tow form to "hold for prints". (c) Complete a Technician request form.

510.6.2 REPOSSESSED VEHICLES

Upon receiving reliable information that a vehicle has been repossessed in the City of Santa Barbara, the on-duty Police Records Specialist shall enter the vehicle into the SVS as repossessed.

510.7 MANDATORY IMPOUNDS

In accordance with the States Unlicensed Driver's Program, 14607.6 CVC, all vehicle driven by 12500 CVC or 14601 CVC drivers will be impounded except as follows:

(a) A driver without a license in possession, who can be verified by the officer as having a valid license, can be cited for 12951 CVC and the vehicle will not be towed. If CLETS is down or the officer cannot verify the license status for any other reason, the driver shall be cited for 12500 CVC and the vehicle shall be towed.

(b) A 12500 CVC driver, whose license has expired within 30 days, will be cited for 12500 CVC and released. The vehicle may be released to another person possessing a valid driver's license or if none is available, will be towed and stored until the owner can bring a licensed driver to the department to retrieve the vehicle.

(c) A vehicle owned by a business and driven by an employee of the business in the course of employment may be released to the owner or representative of the business, if they possess a valid drivers license and available, without being towed. Otherwise, the vehicle will be stored until the business can retrieve it. This provision does not apply to a self-employed individual driving his/her own vehicle if it is registered in the company's name.

(d) A driver with a valid license, but not for the class of vehicle driven, shall be cited for 12500(b), (c), or (d) CVC as appropriate, and the vehicle may be released to another person properly licensed for that class of vehicle. If no one is available, the vehicle shall be towed and stored until the owner can bring a licensed driver of the proper class to retrieve it.

(e) A Field Supervisor may exercise discretion in accordance with the legislative intent of 14607.6 CVC and authorize a vehicle be parked or released to a licensed driver

In order to identify as many unlicensed/suspended drivers as possible to insure the safety of all citizens, officers shall check the driver's license status for all traffic stops and at the scene of all traffic collision investigations. All unlicensed/suspended drivers shall be cited and the citations completed for misdemeanor filing must be turned into the records bureau, attached to the SBPD tow form.

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 Santa Barbara Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code §§ 22650(a) and 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of a stored or impounded vehicle. Any relevant evidence may be submitted and reviewed by the hearing officer to determine if the vehicle in question was lawfully stored or impounded, in accordance with Santa Barbara Police Department policies and procedures. The employee of the Police Department that stored or impounded 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, writing, or by telephone within 10 days of the date appearing on the notice. The Parking Citation Administrative Review Official will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The vehicle storage/impound hearing officer shall consider all information provided and determine the validity of the storage or impound of the vehicle in question and then render a decision.

If a decision is made that the vehicle was stored or impounded within the law and Department Policy, the Hearing Officer shall advise the inquiring party that they may pursue a civil remedy if they so desire.

A decision that the vehicle was not stored or impounded in a lawful manner or within Department policy will require that the vehicle in storage be released immediately. The Business Office will advise the City Risk Management Office of the findings and the prevailing party shall be referred to that office to submit a claim for refund/payment of towing and storage fees.

If a decision is made that the vehicle was not stored or impounded in a lawful manner or within Department policy, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the City Risk Management Office. The hearing officer will recommend to the Business Manager that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the City Risk Management Office.

Driving Under the Influence Chemical Test

514.1 PURPOSE AND SCOPE

This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated and unconscious drivers who are suspected of driving while intoxicated.

514.2 CHEMICAL TESTING

When a person is arrested for driving under the influence of an alcoholic beverage, the arresting officer will advise the person that he/she has a choice of whether the chemical test shall be of the breath or blood (Vehicle Code § 23612 (a)(2)(A)). When a person is arrested for driving under the influence of any drug or the combined influence of an alcoholic beverage and any drug, the arresting officer will advise the person that he/she has a choice of whether the test shall be of the blood, breath or urine (Vehicle Code § 23612 (a)(2)(B)).

If the person chooses to submit to a breath test, the officer should also require the person to submit to a blood or urine test if the officer has a clear indication that a blood or urine test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug (Vehicle Code § 23612(a)(2)(C)).

Any person who is unable to submit to a chemical test due to any of the following conditions shall not be considered as refusing to comply with the provisions of Vehicle Code § 23612:

- The Department is unable to furnish a selected test.
- There are verifiable medical reasons for noncompliance.
- An attending physician refuses to allow it.

514.2.1 TESTING OF CONSCIOUS SUSPECT AT A HOSPITAL

Based on probable cause, the officer should place the hospitalized but conscious suspect under arrest in the presence of hospital personnel and advise the attending physician of the intention to administer a chemical test to the suspect. Unless the attending physician objects for medical reasons, the blood or urine samples will be collected in the prescribed manner.

514.2.2 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL

When there is probable cause to believe that an unconscious driver is under the influence, there is no method of informing the individual of the arrest; nor can there be any verbal consent on the part of the suspect to allow one of the two possible chemical tests at the hospital to determine his/her blood alcohol level. This presents an exigent situation, which excuses the requirement of consent. The officer shall advise the attending physician of the intention to collect a sample of the suspect's blood as evidence. If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner.

514.2.3 UNCONSCIOUS PEDESTRIAN AT A HOSPITAL

When there is probable cause to believe that an unconscious pedestrian has been involved in a traffic collision because of his/her intoxicated condition, a blood sample may be

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extracted as evidence. The officer shall advise the attending physician of his/her intention to extract a blood sample, and unless the physician objects for medical reasons, the sample will be collected in the prescribed manner.

514.2.4 EXIGENCY DOCTRINE

Under the exigency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Policy Manual §§ 514.22 and 514.23 of this chapter come within the guidelines of the exigency doctrine.

514.2.5 COLLECTING BLOOD EVIDENCE

Only a certified phlebotomy technician, licensed physician, nurse or other individual authorized by Vehicle Code § 23158(a) may withdraw a blood sample. Whether such evidence is collected at the Department or the jail, the withdrawal of the blood sample shall be witnessed by the assigned officer.

When a person cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician for a heart condition, he or she shall not be required to take a blood test (Vehicle Code § 23612(b) and (c)).

514.2.6 FORCED WITHDRAWAL OF BLOOD

Blood may be taken by force in any felony or misdemeanor driving under the influence investigation when the suspect, after having been advised of his or her rights per Vehicle Code § 13353, refuses to take a chemical test. If the suspect makes a timely and reasonable request to undergo a different and viable form of testing, such request shall be considered. Blood may only be taken by force when the following circumstances have been met:

- (a) The suspect must be in custody and the officer must have reason to believe the suspect is under the influence of alcohol and/or drugs.
- (b) The blood is taken in a medically approved manner.
- (c) Only reasonable force may be used to restrain the arrestee.
- (d) A supervisor shall be present when blood is forcibly extracted from a suspect who is uncooperative or has refused a chemical test. The amount of force used to accomplish the collection of this evidence will be controlled by that supervisor.

The blood sample taken from the suspect shall be deposited in the Santa Barbara County Jail repository.

When a suspect cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician for a heart condition, he or she shall not be required to take a blood test.

514.2.7 COLLECTING BREATH AS EVIDENCE

The breath test shall be administered at the Police Station or at the County Jail. Breath tests shall be administered on the Intoxilyzer in accordance with State of California Department of Justice Regional Crime Lab approved procedures. The Intoxilyzer Check List shall be followed each time the instrument is used. The Instrument Operations Log and Intoxilyzer Test Record shall be completed for each suspect tested. The Intoxilyzer Test Record shall be attached to the Driving Under the Influence Report.

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514.2.8 COLLECTING URINE AS EVIDENCE

In the case that the arrested person is unable to perform a breath or blood test due to medical reasons, he or she may submit to a urine test. Urine samples shall be collected and/or witnessed by an officer or other department personnel of the same gender as the suspect.

514.3 REFUSAL OR FAILURE TO TEST

If a person who has been arrested for a violation of Vehicle Code § 23140; Vehicle Code § 23152; Vehicle Code § 23153, after having been advised of his/her rights per Vehicle Code § 23612, refuses or fails through statements or actions to complete a chemical test, the handling officer shall serve the notice of order of suspension on behalf of the Department of Motor Vehicles and confiscate all California driver's licenses in the person's possession (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

Blood may be taken by force in any felony or in a misdemeanor impaired driver investigation when the person refuses to take a chemical test. If the person makes a timely and reasonable request to undergo a different and viable form of testing, such request shall be considered. Blood may only be taken by force when the following circumstances have been met:

- (a) The person must be in custody and the officer must have reason to believe the person is intoxicated.
- (b) The person's alternative choice, if selected, is either unavailable or not a viable test for the nature of the suspected intoxication (e.g., breath is not a viable test for suspected drug influence).
- (c) The blood is taken in a medically approved manner.
- (d) Only reasonable force may be used to restrain the arrestee.

A supervisor shall be present whenever blood is forcibly extracted from a person who is uncooperative and has refused a chemical test. The amount of force used to accomplish the collection of this evidence will be controlled by that supervisor, keeping in mind the seriousness of the suspected offense and the factors used to determine the reasonableness of force in accordance with the Use of Force Policy. In misdemeanor cases, force will generally be limited to handcuffing or similar restraint methods during the withdrawal of blood.

The amount of force and methods used to accomplish the blood sample draw shall be detailed in the related report.

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 Records Manager 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 agency 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)). All requests from citizens to dismiss a citation shall be referred to the Traffic Section Supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the Watch Commander may request the Patrol Division Commander to recommend dismissal of the traffic citation. If approved, the citation being recommended for dismissal 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.

An officer may determine that a traffic citation should be dismissed during a court proceeding in the interest of justice or where prosecution is deemed inappropriate. In such cases, the officer may request that the court dismiss the citation.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a court approved amendment notice to the employee's immediate supervisor for review. The citation and amendment notice shall then be forwarded to the Records Bureau.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of the Police Department shall be filed with the Records Bureau.

Upon separation from employment with the Police Department, all employees issued traffic citations books shall return any unused citations to the Records Bureau.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

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516.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

(a) Administrative Reviews are conducted by the Parking Supervisor or employee designated by the Chief of Police who will review written/documentary data. Requests for Administrative reviews are available at the front desk of the Police Department. These requests are informal written statements outlining why the ticket should be dismissed, including copies of documentation relating to the ticket.

(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. The Parking Citation Administrative Review Official, who must meet state training requirements, is designated by the Chief of Police, and reviews 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.

516.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

516.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.
- (c) An appeal through Superior Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

Disabled Motorists

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.

520.3 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.

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

72-Hour Parking Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Santa Barbara City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code §§ 22652.6 and 22669.

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Santa Barbara 72-Hour Parking Ordinance shall be marked and noted on the Santa Barbara Police Department Street Storage Vehicle Form. No case number is required at this time. A copy of this form may be placed on the vehicle; however, this warning notice is not required.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Street Storage Vehicle Form.

All Street Storage Vehicle Forms shall be submitted to the Parking Section for computer data entry.

524.2.1 MARKED VEHICLE FILE

The Parking Section shall be responsible for maintaining a file for all Street Storage Vehicle Forms.

Parking Enforcement Officers shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Street storage Vehicle Form.

524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized police towing service and a Stored Vehicle Report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The Stored Vehicle Report form shall be submitted to the Records Bureau immediately following the storage of the vehicle.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be re-marked for the 72 hour parking violation and a Street Storage Vehicle Form completed and forwarded to the Parking Section.

Parking Citations for the 72-Hour Parking Ordinance shall be issued when the vehicle is stored for the 72 hour parking violation.

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Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

No employee of the Department shall take part in proposing or negotiating any compromise, arrangement, or trial continuance; or otherwise interfere with the criminal justice system, without the knowledge and consent of the Chief of Police or the Investigative Division Commander. Nothing in the preceding subsection should be construed to prevent a Department member from assisting the prosecuting attorney in the preparation of a case and/or determination of the proper charge, in any case in which he/she is the arresting officer, the investigating officer, or the Court Liaison Officer.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should not allow the recording to take the place of a thorough report and investigative interviews and should continue to obtain written statements from suspects when applicable.

600.4 PERSONS ARRESTED BUT NOT CHARGED

Whenever a person is arrested and booked into the County Jail without a warrant, and further investigation reveals that there are insufficient grounds for a criminal complaint, the releasing officer shall transmit a telegraphic administrative message to the Santa Barbara County Jail advising that the person should be released, per §849(b) PC and deemed not arrested. A copy of the administrative message shall be recorded along with the original arrest report.

In any case in which a person is arrested and released and no accusatory pleading is filed charging him with an offense, the Records bureau shall issue to the person a certificate describing the action as a detention.

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600.5 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practicable.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

600.6 WARRANT INVESTIGATION, SERVICE AND EXTRADITION

The Investigative Division Assistant Commander or his designee will be the coordinator of the warrant program, and be responsible for all decisions related to warrant arrests.

In felony cases and serious misdemeanor cases, when notification of warrant entry is received from the Santa Barbara Sheriff's Office, the case will be assigned to the appropriate Investigative Section or Traffic Investigator.

The assigned investigator will have the responsibility of warrant service, case file maintenance, providing due diligence reports and ultimately insuring the defendant is returned to the court.

General warrants, not assigned to an investigator, and due diligence requests sent to us from other agencies will be forwarded to the Patrol Division for attempt service. All warrants should be confirmed prior to actual service.

The Investigative Division Secretaries are assigned the responsibility of entering the due diligence information received from officers and detectives into the computer. An officer taking action to serve or attempt to serve a warrant shall provide due diligence information to an Investigative Division Secretary for entry.

Due diligence report forms are available from the Investigative Division Secretaries; however, information can also be provided to them by E-Mail and/or plain paper with the appropriate due diligence and warrant information included.

When a subject is arrested on a warrant and taken into custody locally, the procedure remains unchanged. If the defendant is arrested in an outside jurisdiction the investigator and the Investigative Division Assistant Commander or his designee shall coordinate with the District Attorney's Office, if necessary, and the arresting agency to arrange for the defendant's return.

The Investigative Division will budget for the costs of prisoner transportation. The Business Office shall prepare all necessary accounting records for state reimbursement in cases of extradition.

Sexual Assault Victims' DNA Rights

602.1 PURPOSE AND SCOPE

Consistent with Penal Code § 293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293 (a) and (b)).

- (a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a or 289, the assigned officer shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).
 1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
 2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

602.3 TESTING OF SEXUAL ASSAULT EVIDENCE

- (a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g).

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Sexual Assault Victims' DNA Rights

- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned officer should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).
- (c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned officer shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

602.4 VICTIM NOTIFICATION OF DNA STATUS

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim's case.
 - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
 - 1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
 - 2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 - 3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.
- (c) Provided that the sexual assault victim or victim's designee has kept the assigned officer informed with regard to current address, telephone number and e-mail address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.
 - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. No officer shall be required to or expected to release any information which might impede or compromise any ongoing investigation.

602.5 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

Asset Forfeiture Policy

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.2 ASSET SEIZURE AUTHORITY

Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488a specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

606.2.1 MINIMUM GUIDELINES

The following guidelines identify the minimum amounts or values required to seize currency, real and/or personal property.

Currency or other negotiable instruments that are proceeds of narcotic activity.

Vehicles, i.e. cars, trucks, motorcycles, boats, or airplanes used as a conveyance, with a low blue book value of \$5,000.00 in equity. (See special guidelines in § 606.22 below).

Evidence of other assets or property in excess of \$3000.00 in value, used to facilitate the manufacturing, distribution, and/or sales of controlled substances.

Equity of real property (house/condo), in violation of Health & Safety Code §§ 11366, 11366.5 or 11366.6.

606.2.2 SPECIAL GUIDELINES APPLICABLE TO AUTOMOBILES

Special guidelines apply regarding the minimum amounts of controlled substances contained in a vehicle in order for it to be seized as a conveyance used to facilitate narcotic activity. The minimum amounts of a controlled substance within a vehicle are as follows:

14.25 grams (1/2 oz) or more of rock cocaine or a substance containing heroin.

28.5 grams (1 oz) or more of uncut cocaine or methamphetamine.

57.0 grams (2 oz) of a substance containing cocaine or methamphetamine.

10 pounds of marijuana, peyote or psilocybin.

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Asset Forfeiture Policy

606.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact a narcotics detective. The following guidelines will be observed:

- (a) The seizing officer or the detective will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form Opposing Forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle or property seized.
- (b) When someone has made notification other than the Asset Forfeiture detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Asset Forfeiture detective in the Narcotics Unit, for review.
- (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income and other resources. The interviewing officer shall ensure that *Miranda* warnings are given and waivers obtained before interviewing any person who is in custody.
- (d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.
- (e) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit or Narcotic Enforcement Team.

606.3.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into Property. The property will be checked through the Automated Property System to determine if the property has been stolen.

The property will be booked as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

606.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The officer counting and supervisor verifying money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

Currency seized will be given to and retained by a supervisor, for deposit into the Asset Forfeiture Account. If there is a need to book the currency into evidence/property, the currency will be booked on a single property form notating "subject to asset forfeiture" in the comments section of the property form. The seizing officer shall notify the Patrol Division Commander of the booked currency and the circumstances of the seizure as soon as possible.

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Asset Forfeiture Policy

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 ASSET FORFEITURE LOG

A computerized inventory of all asset forfeiture cases shall be kept in the Business Office. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of seizure (federal or state)
- Status of the seizure

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

606.5 PROCEEDS FROM FORFEITURE

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.

Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Santa Barbara Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

608.2 INFORMANT FILE SYSTEM

The Narcotics Unit Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Informant's name and/or aliases
- (b) Date of birth
- (c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features
- (d) Current home address and telephone numbers
- (e) Current employer(s), position, address(es) and telephone numbers
- (f) Vehicles owned and registration information
- (g) Places frequented
- (h) Informant's photograph
- (i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable"
- (j) Name of officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

The informant files shall be maintained in a secure area within the Narcotics Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Division Commander, the Narcotics Unit Supervisor, or their designees.

608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Narcotics Unit Supervisor. The officer shall compile sufficient information through a

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Confidential Informants

background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

608.3.1 JUVENILE INFORMANTS

The use of minor informants under the age of 18 is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§22950, et seq., the use of any minor informant between the ages of 13 and 18 years is only authorized by court order obtained pursuant to Penal Code § 701.5. For purposes of this policy, a "minor informant" means any minor who participates, on behalf of this agency, in a prearranged transaction or series of prearranged transactions with direct face to face contact with any party, when the minor's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the minor is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the minor.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Santa Barbara Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Santa Barbara Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

- (a) Officers shall not withhold the identity of an informant from their superiors
- (b) Identities of informants shall otherwise be kept confidential
- (c) Criminal activity by informants shall not be condoned
- (d) Informants shall be told they are not acting as police officers, employees or agents of the Santa Barbara Police Department, and that they shall not represent themselves as such
- (e) The relationship between officers and informants shall always be ethical and professional
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Narcotics Unit supervisor
- (g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of the Narcotics Unit Supervisor. Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments officers shall arrange for the presence of another officer, whenever possible
- (h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses

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608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Narcotics Unit Supervisor will discuss the above factors with the Patrol Division Commander and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

608.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of \$150,000.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of \$30,000.

608.5.3 PAYMENT PROCESS

Payments are made from the Special Investigations Fund (SIF) maintained by the Narcotics Detail Sergeant. Sergeant disperses funds and issues a numbered receipt. The Investigative Division Commander may receive a memo requesting reimbursement with supporting receipts from the Narcotic Detail Sergeant. Upon approval by the Commander, the memo and receipts are forwarded to the Business Office for making reimbursement. The Investigative Division Assistant Division Commander has a safe with SIF funds as well. This money is generally reserved for expenses related to investigations of other type crimes, or emergency travel, such as an after normal business hours trip to facilitate an investigation, or make an arrest. In rare instances this fund can be used to cover narcotics expenses including payment of informants. Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service as income.

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608.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

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Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 LOSS OR DAMAGE TO DEPARTMENT PROPERTY

An Officer who experiences a loss of Department property shall submit a memorandum to his/her immediate supervisor at the time the loss is noticed. Any officer who has Department property stolen from him/her shall submit a memorandum and complete a Crime/Incident Report.

The supervisor upon receipt of a memorandum reporting the loss or theft of Department property shall conduct an inquiry into the matter to determine the degree of responsibility on the part of the employee for this theft or loss. The supervisor shall make a recommendation and forward it to the Division Commander through the chain of command.

The Division Commander shall make a determination whether the employee was negligent in the loss of the item(s). If the Division Commander determines that the employee was not negligent, he shall complete and sign a Request for Uniform and Equipment Replacement and forward it to the Community Services Division in memorandum form. The Community Services Division shall maintain a file copy of all Requests for Uniform and Equipment

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Replacement memoranda. This Division shall arrange for a replacement issue of the lost or stolen property, and the employee's Property Inventory Record shall reflect the issue.

If the Division Commander determines that the employee was negligent and/or the loss could have been prevented had the employee exercised reasonable judgment and precaution, the Division Commander shall recommend appropriate remedial or disciplinary action in accordance with existing Department guidelines and forward the recommendation to the Chief of Police for approval.

This recommendation shall include a statement that in cases of negligence, the employee can be held accountable for the replacement costs and that the Department should request the employee to reimburse the Department for the replacement. Consideration should be given if there are previous incidents where the employee has been negligent.

When the recommendation is approved by the Chief of Police, the Division Commander shall advise the employee of the recommendation. The Division Commander shall also request the employee to respond to the Business Office in order to reimburse the Department for the replacement item.

700.4 FILING CLAIMS FOR PERSONAL PROPERTY

Any Officer who experiences a loss or damage to personal property which comes under the following conditions may submit a memorandum to his/her immediate supervisor for consideration for reimbursement. The memorandum shall be a request for reimbursement and shall be submitted within fifteen days after the loss or damage is sustained. The claim shall contain the following information: Type of item, date of purchase, replacement cost, condition, description of damage, circumstances, etc. If the personal property is stolen, a Crime/Incident Report shall be filed.

- (a) The loss must be in the line of and in the performance of duty.
- (b) There must not be contributory negligence or carelessness on the part of the Officer.
- (c) There must not be other means of recovery such as, but not limited to, court action or insurance.
- (d) The personal property for which the claim is made must be owned by the Officer involved. Exceptions to the above may be referred to the Chief of Police for approval.

The memorandum shall be submitted to the Officer's immediate supervisor. The supervisor shall conduct an inquiry into the matter to determine the validity of the claim and forward it through the chain of command to the Division Commander with his/her recommendations.

The Division Commander shall review all requests for reimbursement and forward them to the Business Office with his/her recommendations. The Business Office shall prorate the amount based on a formula for replacement. The Business Office shall forward the reimbursement to the initiating employee; in order to qualify for reimbursement for loss or damage to personal property, the following conditions must be present.

Damaged Uniform Reimbursement - Proposed Rates

Age of Item % Reimbursed

0 to 6 months: 100%

6 to 12 months: 80%

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12 to 18 months: 50%

18 to 24 months: 25%

24 months & older: 00%

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, whether in or outside the jurisdiction of the City of Santa Barbara, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.5.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City of Santa Barbara, it shall be the responsibility of a Santa Barbara officer present or the Santa Barbara officer responsible for the Department property to make a verbal report to his or her immediate supervisor as soon as circumstances permit. The officer shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

Security Procedures

701.1 PURPOSE AND SCOPE

It is in the best interests of the Police Department to be secure from unauthorized entry at all times. In order to meet this objective the following rules and conditions shall prevail.

701.1.1 BUILDING SECURITY

(a) As long as the heating and air conditioning system is functioning, all windows shall remain closed and locked at all times.

(b) With the exception of the main entrance at the front of the building, all doors shall remain locked at all times except when authorized persons are entering or leaving.

(c) The main entrance doors at the front of the building shall be locked between 1900 and 0600 daily. Police Records Specialist personnel shall insure that this door is locked between those hours of night. They may admit members of the public coming to the front entrance at night after visually observing them through the glass doors and ascertaining their business by the intercom. Civilian personnel screening persons at the main entrance during the night may summon sworn personnel in the Station to assist if there is reason to believe the person or persons may pose a threat.

(d) When no personnel are staffing the Records department, the Combined Communications Center's personnel shall control access into the secured building lobby by means of a remote control intercom and buzzer. When a member of the public speaks into the intercom, a Communications dispatcher will ascertain the nature of the request. Depending on the nature of the request, the dispatcher should:

- Instruct the citizen to return during regular business hours;
- Notify the Watch Commander and/or officer inside the station to make contact with the citizen; or
- Dispatch an officer to meet the citizen in front of the station.

(e) If the Communications Center dispatcher reasonably believes a citizen needs immediate entry into the secured lobby, the dispatcher will allow entry. Communications will then dispatch an Officer using the appropriate response code to handle the incident. Otherwise, no citizen should be allowed entry into the building without police escort or authorization.

(f) Certain collateral professionals including, but not limited to: Probation or Parole officer, Rape Crisis representative, DVERT representative, or Police Chaplain, who respond on official business may be allowed into the secured lobby. The Communications dispatcher will then notify the involved officer or Watch Commander.

(g) The Watch Commander is responsible for making periodic security checks of the building throughout his/her shift and particularly during nighttime hours. He/she is responsible for correcting any security violations or reporting security weaknesses upward through the chain-of-command.

(h) All employees are responsible for challenging any persons in the building or on the grounds who they may believe to be unauthorized trespassers or pose a threat to security.

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701.1.2 RECORDS BUREAU SECURITY

The Records Bureau is classified as a "Restricted" Area and only authorized personnel are allowed inside.

Personnel authorized access to the Records Bureau and its records include:

- (a) Employees assigned to work in the Records Bureau
- (b) Public Services Desk employees
- (c) Department Investigators
- (d) Supervisors
- (e) All others must obtain specific and limited approval of the Records Bureau Manager or designate.

701.1.3 KEY CONTROL

Patrol Division Managers and Supervisors are the only personnel authorized to have keys for and direct access to the locked Key Cabinet. This cabinet has a glass door and is located in the Patrol Supervisor's Office.

The Station Officer on Day Shift, at the discretion of the Watch Commander, may be authorized access to the locked key cabinet to issue vehicles to Department employees consistent with this policy.

The Key Cabinet is to remain locked at all times, except when a manager or supervisor is issuing or retrieving keys.

701.1.4 PERSONAL POSSESSION OF KEYS

Employees can have duplicate keys to police vehicles with approval from the Watch Commander. The employee shall submit a memo to their supervisor requesting to make a duplicate copy of vehicle keys to be used in emergency situations. Such emergencies shall include but not be limited to accidentally locking keys in a vehicle, intentionally locking keys in a vehicle during a police incident or moving car during a police incident.

The cost to duplicate vehicle keys shall be the responsibility of the employee requesting a duplicate set. The keys will be considered Department property and shall be returned to the Department upon termination of employment.

This policy does not relieve officers from following Department and Division Policy related to checking out keys to police vehicles. Officers shall not use duplicate keys as primary keys to a department vehicle.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of departmentally issued mobile phones and personal communication devices and the on-duty use of such devices personally owned by personnel.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all personal communication devices (PCD's) as such, but is intended to include all mobile phones, PDA's, and other such wireless two way communication devices.

702.2 DEPARTMENTALLY ISSUED PCD

Depending on an employee's assignment and needs of the position, the Department may, at its discretion, issue a personal communication device (PCD). Such devices shall remain the sole property of the Department and shall be subject to inspection or monitoring (including related records) at any time.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own individually owned PCD while on duty subject to the following conditions:

- (a) Carrying an individually owned personal communication device is optional.
- (b) The device shall be purchased, used, and maintained at the employee's expense with no reimbursement for replacement if damaged on duty.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the Department or personally-owned, should only be used by on-duty employees for legitimate department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

- (a) PCDs shall not be carried in a manner that allows them to be generally visible while in uniform.
- (b) PCD's may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours). While employee's may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.
- (c) Extended or frequent use of department-issued PCDs or personally owned PCDs while on duty for personal use is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

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702.2.3 USE WHILE DRIVING

The use of a personal communication device while driving can cause unnecessary distractions and presents a negative image to the public, who must comply with Vehicle Code Section 231.23 (a). Officers operating emergency vehicles shall restrict the use of these devices to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to make and/or complete their call, text, and/or direct connect. Employees who are operating non-emergency vehicles shall use personal communication devices in compliance with Vehicle Code Section 231.23 (a).

702.2.4 OFFICIAL USE

The use of personal communication devices may be appropriate the following situations:

- (a) Barricaded suspects.
- (b) Hostage situations
- (c) Mobile Command Post.
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political/community events.
- (f) Investigative stakeouts where regular phone usage is not practical.
- (g) Emergency contact with outside agency or outside agency field unit equipped with PCDs.
- (h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

702.2.5 PHOTO AND AUDIO USAGE

Departmentally issued personal communication devices may be equipped with supplementary hardware and software enabling the device to record photographs and audio recordings.

(a) Photos may be taken at the scene of incidents for documentation purposes and booked at the police department as prescribed by this manual.

(b) Photographs with PCDs may supplement but in most cases, shall not replace those taken by CSI officers where required by policy.

(c) PCD photographs may be used as primary CSI evidence at the scene of minor incidents when CSI is not available.

(d) Photographs for CSI purposes shall be taken with the largest size and highest resolution available on the PCD device.

(e) Photographs relayed to the SBPD Lab by means of internal memory card or via e-mail shall include the case number and employee's name for identification prior to booking.

(f) The use of PCDs to audio record law enforcement related incidents is permissible as prescribed by law. Audio recordings for evidentiary purposes relayed to the SBPD Lab shall include the case number and employee's name for identification purposes.

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. A repair request 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. 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 repair request shall be promptly forwarded to Motor Pool.

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 the following equipment, at a minimum, is present in the vehicle:

- 1 Box of emergency road flares
- 1 Colt tactical patrol rifle
- 1 First aid kit
- 1 Fire extinguisher
- 1 Trauma Shooting Kit

704.3.2 UNMARKED VEHICLES

An employee driving unmarked Department vehicles shall ensure that the minimum following equipment is present in the vehicle: 1 First aid kit

- 1 Fire extinguisher

1 Trauma Shooting Kit Patrol Division personnel shall contact the Watch commander to obtain the approval and the keys to the plain cars (directed patrol cars) as the need arises.

704.3.3 VEHICLE LOG ENTRIES

Each operator is required to maintain the vehicle information log found on the MDC sign-on screen and make necessary entries each time the vehicle is used. The log is filled out at the beginning of each shift and completed at the end of each shift by the last employee to drive the vehicle, including the unit, unit type, coverage areas, officer's employee number,

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password, starting and ending mileage, fuel, oil, status of indicated equipment and any remarks.

In the event a vehicle's MDC is inoperable, a vehicle log book will be kept in each department vehicle for manual documentation of name of operator, date, time, starting and ending mileage and any vehicle deficiencies. Each operator shall complete a repair request on the electronic department vehicle maintenance log when the vehicle is damaged or when defects are found while checking out the vehicle prior to use, including any defects or damages not previously indicated or reported in the vehicle log book, department vehicle maintenance log, or MDC log-on data base.

704.3.4 SHIFT ASSIGNED VEHICLES

Personnel assigned to eld duties shall log-on to the incar MDT computer, inputting the required information, when going on duty. If the vehicle is not equipped with a working MDT incar computer, they shall notify the Communications Center for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

704.3.5 VEHICLE INSPECTION

Employees shall inspect the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

Any employee discovering lost or forgotten property, which has been left in the vehicle, shall bring the property to the Watch Commander or supervisor. The employee shall notify the supervisor of the circumstances of the discovery and shall provide the name and date of the previous driver of the vehicle, as recorded in the log book. The supervisor shall contact the previous driver and inquire as to the reasons why the property was left in the vehicle. The supervisor shall ensure that the property is returned to the rightful owner or shall ensure the property is booked into evidence.

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 the authorized location. When refueling the vehicle, employees shall ensure that oil and coolant levels are at recommended levels.

704.5 MAINTENANCE AND INSPECTION

704.5.1 WASHING VEHICLES

Weather conditions permitting, all police units shall be kept clean at all times and shall be washed as necessary to enhance their appearance.

Division Commanders are accountable for cleanliness of their vehicles in their Divisions. A private service contracted by the PD washes the fleet weekly. Employees are otherwise responsible for taking vehicles to the carwash as needed.

Employees using a vehicle shall remove any trash or debris, at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

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704.5.2 SEMI-ANNUAL VEHICLE INSPECTION

Twice each year, the Community Services Division commander shall order an inspection of all police vehicles. The inspection shall inventory all required equipment (first aid supplies, emergency flares, rescue equipment, etc). Any missing equipment shall be noted in the inventory and replaced. Any damage to the vehicle shall be noted in the inventory. The inventory shall be completed by day watch patrol shift officers and shall be submitted to the on-duty watch sergeant for approval. The approved inventory shall be forwarded to the Range Master for analysis.

The Records Bureau flags all reports involving damage to Department vehicles and forwards copies to Community Services Commander.

704.5.3 MONTHLY VEHICLE INSPECTION

The "Day Watch" Watch Commander shall ensure that all patrol vehicles are inspected the first week of every month. The vehicle shall be inspected for cleanliness, equipment (flairs, first aid box, patrol rifle, etc.), and functionality (light bar, spot lights, MDC, camera equipment, etc.) Officers completing the inspection shall make the appropriate repair requests and restock supplies as necessary. Officers shall complete a vehicle inspection form and return it to the Watch Commander.

704.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service" placards or lightbar covers at all times.

704.6.1 TAKE HOME OF DEPARTMENT VEHICLES (ALTRANS PROGRAM)

Any employee seeking a department vehicle to take home consistent with the policy of the City Transportation Demand Management Program or other department assignments shall look within their own division first. If a need arises to go to another division then it shall be coordinated by assistant division commanders. Each division shall maintain an inventory system for identifying the person and vehicle which has been authorized for take-home use. Any employee seeking to take a Department vehicle home must obtain the approval of a supervisor.

Armored Rescue Vehicle (ARV)

705.1 PURPOSE AND SCOPE

Safety is a critical concern in responding to high risk tactical incidents. The proper use of an armored vehicle can greatly enhance officer/citizen safety and improve the ability to resolve a high risk incident peacefully without the use of deadly force. The purpose of this policy is to set guidelines for the proper use, training, care and storage of the Armored Rescue Vehicle (ARV).

705.2 DESCRIPTION

The Santa Barbara Police Department's ARV is a 2010 Bearcat manufactured by Lenco Armored Vehicles. It is built around a Ford F-550 Super Duty truck chassis. It runs on gasoline and weighs approximately 18,000 pounds. Its ballistic armor can protect occupants from handgun rounds and most common rifle rounds.

705.3 USE OF ARMORED RESCUE VEHICLE

705.3.1 GENERAL GUIDELINES

The use of the ARV will generally enhance officer/citizen safety in most circumstances. The ARV should be deployed in situations where its use would improve the tactical advantage of officers, aid in the rescue of injured victims or improve the likelihood that an incident could be resolved without the use of deadly force on the suspect.

705.3.2 UNPLANNED INCIDENTS

Any sworn member of the Santa Barbara Police Department may initiate a request to have the ARV deployed by contacting the on-duty Watch Commander or his/her designee. Authorization to deploy the ARV rests with the on-duty Watch Commander or his/her designee. If the decision to deploy the ARV is granted, the on-duty Watch Commander or his/her designee will assign an ARV driver. As soon as possible the Watch Commander authorizing the deployment of the ARV will notify the Patrol Division Commander.

705.3.3 SWAT USAGE

Once the SWAT Team is activated, for either an unplanned or planned event, the SWAT Team may deploy the ARV at their discretion as approved by the SWAT Commander or his/her designee. Nothing in this policy is meant to preclude the immediate deployment of the ARV to perform an officer or citizen rescue, to save lives that are in immediate danger of great bodily injury or death, or to deliver the ARV to the scene of a callout.

705.3.4 NON-SWAT PLANNED OPERATIONS

Any sworn member of the Santa Barbara Police Department may request to deploy the ARV in a planned operation by making the request, via chain of command, to the Patrol Division Commander. The request should include, but is not limited to; the day, date and time frame of the operation; the location(s) of the operation; the reason why the ARV is necessary for the success of the operation; and the number of trained ARV personnel required for the operation.

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705.3.5 REQUEST FROM OUTSIDE AGENCIES

The use of the ARV by outside agencies will be approved by the Patrol Division Commander or his/her designee. For emergency purposes, the on-duty Watch Commander may approve the outside agency use of the ARV and in doing so immediately notify the Patrol Division Commander. In all cases when approval for outside agency use is granted, at least two ARV trained Santa Barbara Police Department Officers will deliver and operate the ARV.

705.3.6 NON-ENFORCEMENT USE

The ARV may be deployed for public relations purposes, such as demonstrations, displays or special events, with the approval of the Patrol Division Commander. If approval is granted, a trained ARV driver will be assigned to deliver and provide security for the ARV.

705.4 ARV DRIVERS

705.4.1 WHO MAY DRIVE THE ARV

The ARV may be driven by any currently licensed class C driver. However, the increased mass, decreased visibility and unique handling characteristics require specialized training for the vehicle to be safely driven on city streets and to be optimally employed in tactical situations. In all but the direst emergencies, the ARV should be driven only by a driver trained in ARV operations. Drivers should not exit the ARV while the tactical incident is in progress.

705.4.2 ARV DRIVER TRAINING

Personnel designated as ARV drivers shall be trained to safely maneuver the ARV on streets as well as on unimproved terrain. They shall be versed in the mechanical options of the ARV (such as door hold opens, gun ports, rescue hatch, etc.). ARV drivers will be taught to properly deploy the ARV in tactical situations.

705.5 STORAGE AND ACCESS

The ARV shall be kept in its designated parking place at the Santa Barbara Police Department. A set of door and ignition keys will be kept in the Watch Commander's office in the locked lockbox. A second set of keys will be stored in the SWAT locker.

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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

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 Santa Barbara Combined Communications Center, established within the Police facility, is under the control of the Chief of Police. The Police Department shall be responsible for staffing the Center, including hiring and training of all personnel assigned to the Center. Functional control over emergency fire dispatching shall come directly from the Santa Barbara Fire Department.

The Combined Communications Center will support the Fire and Police Departments by answering all emergency telephone calls coming into the Center and then dispatching fire and/or police units to the scene of calls for service. The Center shall be responsible for the dispatching of police units in accordance with the policies developed by the Chief of Police and the dispatching of fire units in accordance with the policies developed by the Fire Chief. Any discrepancy between the two Departments' dispatching policies or procedures should be documented and forwarded through proper channels to the Fire Chief and Chief of Police.

802.1.1 FCC COMPLIANCE

Santa Barbara Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.2 COMMAND RESPONSIBILITIES

The Commander of the Patrol Division shall be responsible for the normal day to day operation and staffing of the Combined Communications Center. The Commander shall see to the efficient operation of the Center and see that the Center supports the line divisions of the Fire and Police Departments. In all but emergency situations, matters dealing with personnel assigned to the Center shall be referred to the Patrol Commander or his designate. Within the guidelines established by the Chief of Police, the Patrol Division Commander shall establish and enforce rules and regulations relative to the operation of the Center.

802.2.1 COMBINED COMMUNICATIONS CENTER MANAGER

The Combined Communications Center Manager, assigned to Patrol Division, will work under the direct supervision of the Division Commander. The Center Manager will provide for the staffing, training, and scheduling. They will enforce the rules and regulations and will ensure that only authorized personnel are granted admission to the Center. They will assume the duties of administering the emergency alarm systems. They will establish liaison with the Emergency Services Coordinator and other Departments, City or otherwise, as necessary to ensure that the Communications Center is operated in an effective and efficient manner.

802.2.2 PUBLIC SAFETY DISPATCH SUPERVISOR

The Public Safety Dispatch Supervisor shall supervise the operations of the Communications Center to ensure that all rules and regulations are authorized to and that personnel are adequately performing their assigned tasks. The Center Manager or person acting in their stead shall be responsible for the adequate staffing of the center. If at any

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Communication Operations

time it becomes necessary to relieve a dispatcher of their duties, the Center Manager shall be immediately notified.

802.3 FIRE RESPONSIBILITIES

The responsibilities of the Fire Department are to supplement and guide the dispatch function, either directly in the case of emergency or indirectly through the establishment of policy and operational procedure in a day to day operational mode. In the case of direct involvement during emergencies, the on duty Battalion Chief, the on duty Acting Battalion Chief, or the Fire Chief may override dispatch decisions outlined in the operational procedures, or give supplemental information to dispatchers operating within the Center. In the case of very heavy traffic or overload of the Center, a Battalion Chief or Acting Battalion Chief will be assigned as backup to the on duty Fire Dispatcher. Any recommendations as to performance of individual dispatchers or for the Center itself should be made through channels as delineated in "Mission of the Combined Communications Center".

Property Procedures

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

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete an automated Santa Barbara Property/Evidence Report Form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Officers shall seal the packages that are of a sensitive nature (i.e. narcotics, money, jewelry) with evidence tape and mark each item of evidence with their initials and date.

(c) Create an evidence/property tag label using the automated property system and attach it to each package or envelope in which the property is stored.

(d) Place the case number in the upper right hand corner of the bag.

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(e) A copy of the Property/Evidence Report Form shall be submitted with the case report for scanning into the Records Management System. When the property is too large to be placed in a locker, the item may be retained in the Property Bay. Submit the completed property record into a numbered locker indicating the location of the property.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked using an automated Property/Evidence Report Form. Paraphernalia as defined by Health & Safety Code § 11364 shall also be booked.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) All latent print cards and digital photographs will be listed on an automated Property/Evidence sheet and secured in the CSI locker for processing and retention by the Crime Lab.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. If a supervisor is not available, another officer or employee may witness and initial the counting. The Watch Commander (Lieutenant/Sergeant) shall be contacted for cash in excess of \$1000 which will be marked for special handling procedures by the property officer.
- (e) Firearms taken into custody shall be examined to ascertain that they are unloaded. Before booking, clips shall be removed from the guns; and cartridges shall be removed from clips. FIREARMS TO BE EXAMINED FOR LATENT FINGERPRINTS SHALL NOT BE UNLOADED BEFORE THE EXAMINATION HAS BEEN MADE. IN THIS EVENT, THE FIREARM WILL BE LABELED, "CAUTION, LOADED FIREARM" IN A CONSPICUOUS PLACE ON THE PACKAGE AS WELL AS THE PROPERTY SHEET.
- (f) City Property, unless connected to a known criminal case, should be released directly to the appropriate City Department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

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(g) In cases of minor in possession, public drunkenness, violations of the City's drinking ordinance and open container in vehicle, the alcohol may be destroyed at the scene in the presence of the violator(s). Officers are to make a notation to that effect on the citation in the spaces provided for violation description. In the case of an arrest for public drunkenness, the fact shall be included in the report. If, at the scene, a defendant indicated that the substance he is being arrested for is not alcohol, the item should be booked into evidence. In all other cases, including driving under the influence, the containers shall be retained for evidence in the approved manner.

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- Hazardous Material
- Fireworks

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife blades should be rendered safe with appropriate evidence packaging, and syringe tubes should be used to package syringes and needles. Fireworks, if needed to be retained at the Police Department shall only be packaged in a paper bag. A property tag shall be securely attached to the outside of all items.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the evidence lockers. Prior to packaging and if the quantity allows, a presumptive Valtox test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in a Department of Justice BFS "2" envelope. Marijuana should be packaged in paper envelope/bag of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed Property Tag shall be attached to the outside of the container.

804.5 RECORDING OF PROPERTY

The Property Officer receiving custody of evidence or property shall record the date and time the property was received and where the property will be stored in the property/evidence system.

A bar code number shall be obtained for each item. This number shall be affixed on the Property Tag or Property.

If, during the time the property is held by the Santa Barbara Police Department, the location of the property is changed, the change shall be noted in the Property/evidence system.

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804.6 PROPERTY CONTROL

Each time the property officer receives property or releases property to another person, he/she shall enter this information in the property / evidence system. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the property / evidence system shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.

A copy of the request should also be given to the identification technicians.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee, the Investigating Officer, Property Officer, or the Crime Lab Technician, will check the evidence out of property, indicating the date and time in the property/evidence system and the request for laboratory analysis. The property officer releasing the evidence must complete the required information on the automated Property/Evidence Report Form and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed, or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence, and the copy will be returned to the Records Bureau for filing with the case.

804.6.3 AUTHORITY TO RELEASE PROPERTY

The concerned Officer/Investigator shall be responsible for the timely disposal of evidence by notifying the Property Officer by follow-up report.

The Property Officer is responsible for actual release of property/evidence pursuant to Officer/Investigator follow-up report, order of the Court, District Attorney.

804.6.4 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be

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destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A property officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released the property card will remain with the Property Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 12021.3(e).

The Property Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 12021.3(g)).

804.6.5 CONTROL OF NARCOTICS & DANGEROUS DRUGS

The Property Officer will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs, including paraphernalia coming into the custody of this department under Health & Safety Code § 11364.

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property. All parties should be advised that their claims are civil and, in extreme situations, legal counsel for the Department may wish to file an interpleader [Code of Civil procedure § 386(b)] to resolve the disputed claim.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property officer shall request a disposition or status on all property which has been held in excess of one hundred and twenty days, and for which no disposition has been received from a supervisor or investigator.

804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code §§ 29300; 18010; 32750)

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- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474, etc.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)

804.7.2 DISPOSITION OF EVIDENCE

In cases where evidence has been booked by Santa Barbara Police Department employees and is deemed no longer needed as evidence for court, the following procedure shall be implemented before evidence is destroyed or returned to outside parties.

(a) If the evidence has been booked or used for a felony criminal court case, any two of the following persons must sign approval for its destruction or return to outside parties:

- The investigation officer
- The Deputy District Attorney that handled the court case.
- A SBPD supervisor, manager, or commander.

(b) If the evidence was booked for safekeeping or destruction, or was used for a misdemeanor court case, only one signature of the above personnel is required for the destruction or return to outside parties.

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigative Division supervisor

Biological evidence shall be retained for a minimum period established by law (Penal Code § 1417.9), the Property Section Supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigative Division supervisor.

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Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of an applicable statute of limitations, the Investigative Division supervisor should be consulted and the sexual assault victim should be notified.

Records Section Procedures

806.1 PURPOSE AND SCOPE

The Records Manager shall maintain the Department Records Bureau Procedures Manual on a current basis to reflect the procedures being followed within the Records Bureau. Policies and procedures that apply to all employees of this Department are contained in this section (§ 800 series).

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Section accessible only to authorized Records Section personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Watch Commander.

Santa Barbara Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

806.3 RECORDS SEALING AND DESTRUCTION

Persons arrested may petition the court, under certain circumstances, to have their arrest records sealed and ultimately destroyed. This is provided for in Penal Code Section 851.8 where no accusatory pleading is filed or when there is an accusatory pleading filed but the person is deemed to be "Factually Innocent". "Factually Innocent" has been defined as "Acquittal based on facts as opposed to acquittal based on technical, legal, or procedural irregularities." Individuals wishing to have their record sealed shall be referred to the District Attorney's Office.

The Investigative Division and Records will institute procedures to process, seal, and destroy such records in a timely manner.

806.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Santa Barbara 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

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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 Detective Bureau Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Detective 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 Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Records Manager should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

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 Santa Barbara 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.

808.2.3 DETECTIVE RESPONSIBILITY

The detective assigned the case involving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the DOJ Bureau of Forensic Services (crime lab) for restoration. The Detective shall complete the DOJ Submittal Form and submit the form to the Property Officer. The Property Officer shall maintain the chain of evidence, and shall forward the weapon to the DOJ Crime Lab and shall ensure the firearm is UNLOADED when delivered.

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Restoration of Firearm Serial Numbers

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 officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

808.2.6 IDENTIFICATION OF OWNER

If the owner of the firearm can be successfully identified and has a legitimate right to possess the firearm, the weapon shall be re-stamped with a serial number by DOJ prior to its release to the owner.

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.

Release of Records and Information

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law.

810.2 PUBLIC REQUESTS FOR RECORDS

The California Public Records Act (Government Code § 6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute. Public requests for records of this department shall be processed as follows:

810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 6253).

The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Chief of Police or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).
- (b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Administrative Services Division Commander for a determination as to whether the records will be released.

810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

810.3.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released:

- (a) **Victim information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall disclose to any arrested person or to any person who may be a defendant in a criminal action the address or telephone number of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).

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- (b) **Confidential information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.
 - 1. Analysis and conclusions of investigating officers may also be exempt from disclosure.
 - 2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.
- (c) **Specific crimes** - Certain types of reports involving, but not limited to, **child abuse/molestation** (Penal Code § 11167.5), **elder abuse** (Welfare and Institutions Code § 15633) and **juveniles** (Welfare and Institutions Code § 827) shall not be made public.
- (d) **General information** - Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (e) **Deceased juvenile crime victims** - The Code of Civil Procedure § 130 limits the dissemination of autopsy and private medical information concerning a murdered child by allowing families to request that the autopsy report of the victim be sealed from public inspection. Such requests shall be honored, with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

810.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney or the courts pursuant to Penal Code § 1054.5.

Local criminal history information including, but not limited to, arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

810.3.3 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

810.3.4 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 3303(e)).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

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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 (Government Code § 3303 (e)).

810.3.5 CONCEALED WEAPONS PERMITS

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

810.3.6 DOMESTIC VIOLENCE REPORTS

Victims of domestic violence or their representative shall be provided, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

810.4 OTHER RECORDS

Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege or to the security of the department's electronic technology systems (Government Code § 6254(k); Government Code 6254.19).

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 6255).

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Government Code § 6254(b)).

810.4.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

810.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.6 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.

Criminal Offender Record Information (CORI)

812.1 PURPOSE & SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

812.3 DEFINITIONS

Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any SBPD documents containing a list of prior arrests.

Criminal Justice Agency - A public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - A necessity exists to obtain CORI in order to execute official responsibilities.

812.4 AUTHORIZED RECIPIENTS OF CORI

CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

812.4.1 CRIMINAL RECORD SECURITY OFFICER

The Administrative Services Lieutenant is the designated Criminal Record Security Officer for the Santa Barbara Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.

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Criminal Offender Record Information (CORI)

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) Administrative Services Lieutenant
- (c) Full-time employees of the Records Section
- (d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

812.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Santa Barbara Police Department personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not be transmitted by radio broadcast or through computer terminals to field personnel or vehicles. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

812.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD

Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

812.7 PROTECTION OF CORI

CORI shall be stored in the Records Section where constant personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CORI stored in the Records Section shall be restricted to the Records Section personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Records Section shall be restricted to those persons who possess both the right to know and the need to know the information.

812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Section, Combined Communications Center and in the Detective 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.

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Criminal Offender Record Information (CORI)

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.

812.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Administrative Services Lieutenant, unless otherwise directed by the Administrative Services Division Commander, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Administrative Services Division Commander may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administrative Services will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

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.

California Administrative Code § 702, Chapter 1, Title 11 provides that authorized persons or agencies violating the "Regulations Regarding the Security of Criminal Offender Record Information in California" may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Department Policy Manual § 340.37 (a).

Employees of the Santa Barbara Police Department who obtain, or attempt to obtain, information from the Police Department files other than that to which they are entitled in accordance with their official duties is a violation of § 340.37 (a) of the Santa Barbara Police Department Policy Manual.

Jeanne Clery Campus Security Act

822.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

822.2 POLICY

The Santa Barbara Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092 (f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Santa Barbara Police Department facility. Reports will be accepted anonymously, by phone or via e-mail or on the institution's website.

It is the policy of the Santa Barbara Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Santa Barbara Police Department and faculty of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Santa Barbara Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092 (f)(1)(J)(i) and (iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092 (f)(1)(C)(ii)),
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092 (f)(1)(G)),
 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092 (f)(1)(J)).
 4. Notify the Santa Barbara Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)).
 5. Notify the Santa Barbara Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes (20 USC § 1092 (f)(3)).

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Jeanne Clery Campus Security Act

- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092 (f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092 (f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape and other sex offenses, and what to do if a sex offense occurs, including who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092 (f)(8)(B)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations, in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

822.4 RECORDS COLLECTION AND RETENTION

The Administrative Services Lieutenant is responsible for maintaining Santa Barbara Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092 (f)(1)(F)(i)):
 - 1. Murder
 - 2. Sex offenses, forcible or non-forcible
 - 3. Robbery
 - 4. Aggravated assault
 - 5. Burglary
 - 6. Motor vehicle theft
 - 7. Manslaughter
 - 8. Arson
 - 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092 (f)(1)(F)(ii)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092 (f)(7) and 34 CFR 668.46 (c)(7)). The statistics will be categorized separately as offenses that occur (20 USC § 1092 (f)(12) and 34 CFR 668.46 (c)(4)):
 - 1. On campus.

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2. In or on a non-campus building or property.
 3. On public property.
 4. In dormitories or other on-campus, residential, student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Santa Barbara Police Department (34 CFR 668.46(c)(2)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092 (f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092 (f)(7)).

822.4.1 CRIME LOG

The Administrative Services Lieutenant is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092 (f)(4) and 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Santa Barbara Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 1. Disclosure of the information is prohibited by law.
 2. Disclosure would jeopardize the confidentiality of the victim.
 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, that may cause a suspect to flee or evade detection, or that could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

822.5 INFORMATION DISSEMINATION

It is the responsibility of the Administrative Services Supervisor to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092 (f)(3) and 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes.
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092 (f)(1); 34 CFR 668.46 (b)). This report will include, but is not limited to, the following:

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Jeanne Clery Campus Security Act

1. Crime statistics
2. Crime and emergency reporting procedures
3. Policies concerning security of and access to campus facilities
4. Crime and sexual assault prevention programs
5. Enforcement policies related to alcohol and illegal drugs
6. Locations where the campus community can obtain information about registered sex offenders
7. Emergency response and evacuation procedures
8. Missing student notification procedures

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Chapter 9 - Custody

Temporary Holding Facility

900.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the booking, housing, security and release of prisoners at the Santa Barbara Police Department's Temporary Holding Facility.

In addition to this policy, the Santa Barbara Police Department shall maintain the Operations and Procedures Manual to guide the operation of the Temporary Holding Facility.

The Department shall maintain the custody of prisoners in accordance with this policy, the Operations and Procedures Manual and in accordance with applicable law.

900.1.1 SUPERVISION OF PRISONERS

No prisoner will be held in the Temporary Holding Facility unless there is a designated employee who remains within the police building who can supervise the Temporary Holding Facility and respond to emergencies. This person will be designated by the Temporary Holding Facility supervisor and must not leave the police building while prisoners are in custody. This person will not have other duties that could conflict with the supervision of prisoners. Whenever one or more female inmates is in custody, there shall be at least one female employee, who shall be immediately available and accessible to such females (15 CCR § 1027).

Custodial personnel who are responsible for supervising prisoners in the Santa Barbara Police Department Temporary Holding Facility shall complete eight hours of specialized training (15 CCR § 1024). Such training shall include, but not be limited to, the following:

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Inmate segregation
- (d) Emergency procedures and planning
- (e) Suicide prevention

Such training shall be completed as soon as practicable, but in any event not more than six months after the date of assigned responsibility. Eight hours of refresher training shall be completed once every two years (15 CCR § 1024). A record of such training shall be maintained in the employee's training file.

900.1.2 NON-DETAINABLE PRISONERS

Arrestees who fall within the following classifications should not be detained in the Temporary Holding Facility. They should be transported to the county jail, the designated medical facility or the county mental health facility, as appropriate:

- (a) Any person who is sick, injured or who has any other medical condition, including pregnant females, who may require medical attention, supervision or medication during confinement.
- (b) Any person who has claimed, or is known to be afflicted with or displays symptoms of any communicable disease.

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- (c) Any person suffering from a severe mental disorder.
- (d) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the good order of the Temporary Holding Facility (15 CCR § 1053).
- (e) A prisoner who is or may be contemplating suicide.
- (f) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotic, sedative, tranquilizer, anti-neoplastic (cancer) drug, research medication or any person suffering from withdrawals of the above.
- (g) Any person suspected or confirmed to be developmentally disabled (15 CCR § 1057).
- (h) Any person or persons for whom appropriate classification (by gender, age) cannot be maintained.
- (i) Any person who is so intoxicated as to be a danger to him/herself or others and cannot be safely accommodated within the facility or a sobering cell (15 CCR § 1056). This shall also apply to those inmates who are undergoing withdrawal reactions (15 CCR § 1213).

900.1.3 DETAINABLE PRISONERS

Arrestees who fall within the following classifications may be detained in the Santa Barbara Police Department Temporary Holding Facility with the approval of the Watch Commander. This includes those arrested and detained pending:

- (a) Posting of bail
- (b) Release on Own Recognizance (O.R.)
- (c) Release on citation in accordance with the Cite and Release Policy in this manual
- (d) Transportation to the County Jail
- (e) Release per Penal Code § 849(b)
- (f) In-custody interview or other investigation

900.1.4 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department the transporting officer shall be responsible for the following:

- (a) Verify that the identity of each prisoner to be transported matches the booking paperwork.
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The

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transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

900.1.5 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, persons who are detained in the Temporary Holding Facility shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and booked for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists (Penal Code § 2656 (a) and (b)).

Whenever a prosthetic or orthopedic appliance is removed from a prisoner the Watch Commander shall be promptly apprised of the reason for the removal. If it is determined that the appliance will not be returned, the prisoner shall be examined as soon as practicable by a physician but no later than 24 hours of removal to determine if the removal will be injurious to the health or safety of the prisoner (Penal Code § 2656 (b)).

If the examining physician determines that removal is or will be injurious to the health or safety of the prisoner and the appliance cannot be returned because of safety or security concerns the prisoner should be transferred to an appropriate medical detention facility or, in lieu of transfer, shall be provided with an opportunity to petition the Superior Court for the return of the appliance in accordance with Penal Code § 2656(b) and (c).

900.2 DEPARTMENT ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the Temporary Holding Facility operations have been established (15 CCR § 1029):

- (a) **Facility Administrator:** The Chief of Police shall be the Facility Administrator officially charged, by law, with the administration of the Temporary Holding Facility.
- (b) **Facility Manager:** Will have the responsibility for planning, managing, administrative functions, establishing channels of communication, and conducting inspections and operations reviews, review of the facility manual and the operations of the Temporary Holding Facility. The Facility Manager will be responsible to the Facility Administrator.
- (c) **Maintenance Manager:** Will be responsible for the physical maintenance, cleanliness and supply of the Temporary Holding Facility. The maintenance manager will be responsible to the Facility Manager.
- (d) **Facility Supervisor:** The employee with 24 hour a day functional responsibility for the Temporary Holding Facility will be the Watch Commander. Any other supervisor may provide assistance as needed. The Facility Supervisor shall be responsible to the Facility Manager.
- (e) **Custodial personnel:** Custodial personnel shall be those on-duty sergeants, corporals, officers, detectives or other designated employees whose additional duties include the supervision of prisoners who are detained in the Temporary Holding Facility. Custodial personnel will be responsible to the Facility Supervisor.

900.2.1 PRIMARY PURPOSE

The primary purpose of the holding cells and adjoining interview rooms at the Santa Barbara Police Department are to provide a temporary place of detention for arrested persons for investigative follow-up and pending transport to the Santa Barbara County Jail. Bringing prisoners into the Police Department is inherently dangerous for all employees (sworn-civilian) inside the building. Officers should avoid bringing any

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prisoner (adult-juvenile) into the police facility except when necessary. Suicidal prisoners, combative arrestees and those arrested for public intoxication, as a general rule should be transported to a more appropriate facility, such as: Mental Health Facility, Sobering Center, County Jail and in case of Juvenile offenders placement in Juvenile Hall or release to a parent or guardian.

900.2.2 RESPONSIBILITY FOR CARE

Officers placing prisoners in our holding cells and interview rooms SHALL continue to bear the responsibility for the care of those persons. There SHALL always be (1) or more sworn officers at the station who are responsible for the prisoners, in case of an emergency.

900.2.3 SELECTION OF HOLDING FACILITY

(a) The holding cells are a more appropriate place to incarcerate prisoners and they are taped by a closed circuit television monitoring system. Keeping this in mind officers should make every attempt to place prisoners in holding cells instead of interview rooms.

(b) Interview rooms should be used for interrogation of prisoners.

(c) No more than two (2) prisoners should be placed in a cell or interview room at any time.

(d) Prisoners of opposite sex may only be incarcerated in the same cell or interview room with prior Watch Commander or Supervisor approval.

(e) Juveniles shall not be housed with adult prisoners.

900.2.4 HOLDING TIME

No prisoner shall remain in our holding facility for more than (4) hours unless approval is granted with good cause by the Watch Commander to facilitate an active criminal investigation, or awaiting the arrival of a parent or guardian in matters involving juveniles.

900.3 HOLDING PROCEDURE

Before transporting a prisoner to the station, the transporting officer should notify the on duty Watch Commander and/or his/her designee of the reason for the station detention. Once at the station the transporting officer shall notify the Watch Commander regarding follow-up work that needs to be done and an estimated time that the prisoner shall be in our holding facility.

(a) The on duty Watch Commander and/or his/her designee shall assess whether the station detention is warranted. If the assessment finds that the station detention is not needed the Watch Commander and/or his/her designee will direct the officer to transport the prisoner to a more appropriate facility.

(b) The holding cell or interview room shall be inspected for damage before placing a prisoner in it and upon the prisoners' release. Any damage shall be brought to the attention of the Watch Commander and/or his/her designee.

(c) All prisoners shall be searched before being placed in a holding cell or interview room. Officers shall remove belts, shoestrings and all loose property that can harm the prisoners, other personnel and/or damage department property. Prisoners should be secured in a holding cell instead of an interview room.

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(d) Upon securing a prisoner and/or removing one from our holding facility officers shall fill out the detention log located in the Watch Commander's Office. The name of the prisoner, the reason for detention/arrest, time placed in the cell or interview room as well as the Officers name and body number shall be recorded. Upon removing the prisoner from our detention facilities holding the transporting officer's name, body number and departure time shall also be noted recorded in the log.

(e) The responsible officer shall make prisoner security checks in person at least once every (30) minutes. These security checks should be by direct visual observation and the times of these checks should be documented on the detention log in the Watch Commander's Office.

(f) Officers shall transfer prisoner responsibility by personally notifying another officer that they are now responsible for the prisoner. The initial officer shall document the new responsible officer's name under their name on the detention log.

(g) The Watch Commander and/or his/her designee has the responsibility of physically inspecting the holding cells and interview rooms during their shift to check on the security and welfare of prisoners, inspect for vandalism and to ensure they are clean. The Watch Commander is also responsible for auditing the juvenile and adult detention logs.

900.3.1 LOG ENTRIES AND SECURITY CHECKS

(a) All adult bookings should be logged into the Temporary Holding Facility log. The following entries are to be completed by the booking officer and personnel responsible for maintaining prisoners in the facility (15 CCR § 1029):

1. Case number
2. Date/time of booking
3. Charges
4. Arrestee's name
5. Arresting officer's name
6. Date/time of each safety check and the name of the officer conducting the check (15 CCR § 1027)
7. Date and time of release

(b) The log shall be kept in the booking area of the Temporary Holding Facility. It is the responsibility of the Facility Supervisor to ensure that all appropriate entries are made. Prisoner counts shall be made every four hours and verified against the log.

(c) The Watch Commander should make periodic checks to ensure that the log and security checks are made on time.

(d) The Facility Manager should review all Temporary Holding Facility logs and shall report to the Facility Administrator as required.

(e) All logs and reports should be maintained in the Records Section for inspection by the Facility Manager, Facility Administrator or other officials as may be required.

900.3.2 PRISONER CLASSIFICATION, SCREENING AND SEGREGATION

It is the policy of the Santa Barbara Police Department Temporary Holding Facility to segregate prisoners in compliance with the requirements noted in Title 15 of the California Code of Regulations.

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- (a) It is necessary to establish a prisoner classification procedure wherein each prisoner will be evaluated, prior to housing, according to categories of sex, age, criminal sophistication, seriousness of crime charged, assaultive/non-assaultive behavior, medical problems, mental state (including developmental disabilities) and sexual orientation, and housed in order to provide for the safety of prisoners and staff (15 CCR § 1050).
- (b) As part of the booking procedure, the booking officer should evaluate each incoming prisoner using the Prisoner Classification and Screening Form. This form shall be completed in its entirety in order to properly assign prisoners according to sex, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior, restrictions, cell assignments and other criteria to ensure the safety of the prisoner and staff.
- (c) During the booking procedure, the booking officer shall ask the prisoner if he/she is contemplating suicide. The officer shall evaluate the prisoner for other signs or indications that the prisoner may be suicidal. If there is any suspicion that the prisoner may be suicidal, he/she shall be transported to the county jail or appropriate mental health facility. The receiving staff shall be notified in writing (e.g., noted on the booking sheet, 5150 form, etc.) that the suspect may be suicidal.
- (d) It is the responsibility of the arresting officer's supervisor to ensure that the Prisoner Classification and Screening Form has been properly completed. After the completion of the form, the arresting officer's supervisor will be required to authorize, on a case-by-case basis, the placement of each prisoner in the Temporary Holding Facility who is not immediately released or transported to the county jail.
 - 1. The prisoner will then be housed or transported.
 - 2. The completed classification form will be attached to the arrest report, booking forms and fingerprints as applicable.
 - 3. The prisoner classification form should be retained in the prisoner's arrest file

900.3.3 TEMPORARY DETENTION OF JUVENILES

Juveniles who are detained by this department will be processed and handled in accordance with the Temporary Custody of Juveniles policy. Juveniles will not be permitted in the Temporary Holding Facility.

900.3.4 HANDCUFFING OF PREGNANT ARRESTEES

No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others (Cal. Penal Code § 6030).

900.3.5 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

Any Temporary Holding Facility incident that results in physical harm or serious threat of physical harm to an employee, inmate or other person shall be documented per the Use of Force Policy, On-Duty Injuries Policy or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted to the Facility Manager within 24 hours of the incident. The Facility Manager will retain a record of these reports for inspection purposes (15 CCR § 1044).

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900.4 CLOSED CIRCUIT TELEVISION MONITORING SYSTEM

900.4.1 PURPOSE

The purpose of installing a closed circuit television monitoring system is to enhance the safety and security of all persons placed into a holding cell or interview room, and to assist the Watch Commanders and Sergeants in monitoring the holding cell/interview room areas.

The closed circuit television monitoring system is not intended to be an absolute guarantee of safety to persons placed into a holding cell or interview room, and nothing in this order shall convey a belief that the monitors will be viewed on a full time basis. Officers booking prisoners shall not rely on the television cameras to guarantee the safety of their prisoners. Officers placing persons in our holding cells and interview rooms shall continue to bear the responsibility for care of those persons. The officer's responsibility toward that end does not diminish because the holding cells and interview room areas are recorded on video tape.

900.4.2 PROCEDURES

(a) The Patrol Division Administrative Sergeant will be responsible for insuring that a VHS tape has been inserted into the monitoring system. The current machine is "lapsed" timed taping and requires a new tape every 30 days. Under directions from the City Attorney, these are considered records. As such, they will be maintained for a two (2) year period. A two (2) year supply of tapes will be kept by the Operations Administrative Sergeant. After the two (2) year deadline, they may be re-used. In the event of an unusual occurrence, the Watch Commander may instruct that the current tape in the machine be placed into evidence. If this occurs, the Operations Administrative Sergeant will be notified and a replacement tape will be provided for the VHS machine.

(b) Whenever there is a prisoner in the holding cell or interview room, Patrol Division managers and supervisors who are in the Watch Commander's or Sergeant's office shall routinely view the television monitor. Patrol Division managers and supervisors have the responsibility of physically inspecting the holding cells and interview rooms periodically during their shift to check on the security and welfare of prisoners, inspect for vandalism, and to ensure the area is clean.

(c) Officers shall bring to the immediate attention of the Patrol Division managers or supervisors any unusual incidents, irregularities or damage in the holding cell, interview rooms, or hallway area. The manager or supervisor shall then review the cassette tape for the irregularity or unusual incident and shall conduct an immediate investigation. The tape shall be removed from the monitoring system, and along with their investigation be directed to the Assistant Patrol Division Commander. The tape shall be logged and stored for the period prescribed by law, two years. Any requests for a tape pursuant to a discovery order shall be handled by the Assistant Patrol Division Commander. Some examples of an unusual incident include:

- all acts of vandalism to police department property,
- all acts of violence between prisoners,
- force used by an officer to control a prisoner,
- or any behavior of a prisoner that an officer may interpret as being prudent to save due to the possibility of a malicious personnel complaint.

900.5 TRANSPORTATION OF FEMALE ARRESTEES

Transporting officers shall advise the dispatcher of the following information for recording:

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(a) Location of departure and arrival.

(b) Mileage reading upon departure and arrival.

The Dispatcher shall acknowledge the time of departure and arrival.

The dispatcher shall be notified immediately if any delay or detour is necessary during the transportation of the female arrestee.

900.6 FINGERPRINTING OF ARRESTEES

Subjects being taken to the County Jail will not be fingerprinted using the Live Scan fingerprint workstation. Upon successful completion of the Live Scan Fingerprint Station training, authorized employees can perform fingerprint submissions under the following circumstances:

(a) Felony arrests "" if NOT taken to the jail.

(b) Misdemeanor cite/releases.

(c) Question of identity "" prior to booking.

(d) Obtaining a "local fingerprint card only."

900.7 MEDICAL ATTENTION FOR ARRESTEES

900.7.1 MEDICAL TREATMENT AND CLEARANCE PRIOR TO BOOKING

Officers having custody of an unbooked prisoner who is or becomes ill or injured, complains of illness or injury, or becomes unconscious shall be immediately taken to an emergency ward or a hospital for medical treatment, prior to booking, and shall be properly guarded with arrangements made for their safekeeping. Ambulance services shall be requested when needed by notifying the dispatcher.

Arrestees who exhibit existing or potential medical problems, who are visibly injured, ill, or unable to walk or speak due to their level of intoxication, shall be taken to any hospital for a medical clearance prior to transportation and booking at Santa Barbara County Jail.

In the event that upon booking a medical exam is requested by the Jail medical staff, the prisoner shall be transported to any hospital for medical clearance prior to booking.

900.7.2 MEDICAL TREATMENT FOR PERSONS SUSPECTED OF SWALLOWING

An arrestee who swallows or is suspected of swallowing any narcotic or dangerous drug shall be immediately transported to the nearest hospital for medical treatment and the watch commander or supervisor will be notified. Ambulance services shall be requested when needed by notifying the dispatcher.

After the arrestee has been treated and been given a medical release, he or she may then be booked. During booking at the jail, officers shall indicate the arrestee's condition in the "special medical problems" box of the Santa Barbara County Jail booking form. In addition, officers shall notify jail personnel of the arrestee's medical condition and provide a copy of the arrestee's medical release form. A copy of this medical release form shall also be attached to the arrest report.

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900.7.3 ARRESTEE REFUSING MEDICAL TREATMENT

If the arrestee refuses medical treatment and the circumstances are such that the hospital will not sign a medical release, the officer will indicate this fact in the "special medical problems" box of the Santa Barbara County Jail booking form and notify jail personnel of the

arrestee's medical condition. Also, these circumstances shall be documented in the arrest report.

900.8 HANDLING OF PRISONER'S PROPERTY

Officers shall take care in the handling of a prisoner's property to avoid discrepancies or losses.

Any personal property belonging to the prisoner but retained by the officer for safekeeping, shall be kept in a secure location until the prisoner is released or transferred. Smaller items such as a driver's license, pocketknife, wallet, prescription medications and other similar property, shall be placed in a property bag, and sealed. A list of the property, including detailed descriptions of prescription medications, shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Prisoner property that is too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.

Property belonging to the prisoner, but retained by the officer as evidence, shall be booked according to procedures. The prisoner shall be advised that such property will be kept as evidence and where demanded, the officer will issue the prisoner a receipt. Such receipt may be a copy of the property booking form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

900.9 DEATH OF A PRISONER

In the event of a fatal injury or death of a prisoner while in custody of this department, refer to Government Code § 12525 and applicable areas of the Penal Code. An immediate investigation shall be initiated in order to obtain all pertinent facts and information of the incident in the computer with OIS/L.E.A.R.D.S. investigation manual. The Chief of Police and the affected Division Commander shall be immediately notified of the occurrence. It will be the responsibility of the Chief to order an administrative investigation to document the facts, and present the findings.

900.9.1 SECURITY

- (a) Firearms, deadly weapons or any type of explosive device shall not be permitted within the secure area of the Temporary Holding Facility. Weapons should be properly secured in the gun lockers outside of the secure area of the Temporary Holding Facility. An exception may occur only during emergencies upon approval of the Facility Administrator, Facility Manager, or Watch Commander.
- (b) All perimeter doors to the Temporary Holding Facility shall be kept locked at all times except during routine cleaning when no prisoners are present, or in the event of an emergency, such as an evacuation.
- (c) Cell doors are to be locked at all times when prisoners are detained in the facility.
- (d) No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in the detention area.

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- (e) Restraint devices such as handcuffs, disposable cuffs, belly-chains and leg restraints shall be used in accordance with department policy and only with the approval of the Watch Commander.

900.9.2 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit the prisoner at the prisoner's request or a relative of the prisoner (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview a prisoner should do so inside the Temporary Holding Facility in the secure interview room.
- (c) Both the attorney and the prisoner should be searched for weapons prior and after being admitted to the Temporary Holding Facility interview room.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded.

900.9.3 DEATH OF A PRISONER

In the event of a fatal injury or death of a prisoner while in custody of the Temporary Holding Facility, in addition to a standard criminal investigation, the Chief of Police or the authorized designee shall report in writing to the Attorney General within 10 days after the death, all facts in the possession of the department concerning the death. In all such cases, the Watch Commander shall be notified and will make the appropriate additional notifications as directed in the Temporary Holding Facility manual.

A medical and operational review of every in-custody death shall be conducted. The review team shall include the following:

- Chief of Police or the authorized designee
- The health administrator
- The responsible physician and other health care and supervision staff who are relevant to the incident (15 CCR § 1046)

900.9.4 ACCESS TO FAITH AND MORALS BASED PROGRAMS

Consistent with available resources, safety and security, the religious beliefs and needs of all prisoners should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith and morals based programs, and other secular volunteer programs. No prisoner shall be required to participate in any such program.

900.9.5 PRISONER DISCIPLINE

Prisoner discipline will not be administered in this facility. Any prisoner who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR § 1081).

Custody Searches

902.1 PURPOSE AND SCOPE

To establish consistent department procedures which conform to § 4030 of the Penal Code and § 851.5 of the Penal Code, regarding pat-down, clothing and strip searches.

902.2 DEFINITIONS OF SEARCHES

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

Booking Search - This search is used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code § 4030(d)(2)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (Penal Code §§ 4030(d)(1) and 4030(d)(3)).

902.3 PAT DOWN SEARCHES

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer.

902.4 SEARCH INCIDENT TO ARREST

- (a) No person held in custody on a misdemeanor or infraction, except those involving weapons, controlled substances or violence, shall be subjected to a strip search or visual body search.
- (b) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband.

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902.5 STRIP SEARCHES

No person arrested and held in custody on a misdemeanor or infraction offense, except those involving weapons, possession of controlled substances or violence, shall be subjected to a strip search or visual body cavity search prior to placement in the general jail population unless an officer has determined that there is reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband which would be discovered by such a search (Penal Code § 4030(f)).

- (a) No strip search or visual body cavity search shall be conducted without prior written authorization from a supervisor. The time, date, and place of the search, the name and gender of the person conducting the search and a statement of the results of the search shall be recorded in the arrest record. A copy of the written authorization and recorded information shall be retained and made available to the arrestee or other authorized representative upon request .
- (b) All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search (Penal Code § 4030(m)).
- (c) Unless conducted by a physician or other licensed medical personnel, the officer(s) conducting the strip search or visual body cavity search shall be of the same gender as the person being searched (Penal Code § 4030(l)).
- (d) Whenever possible, a second officer of the same gender should also be present during the search, for security and as a witness to the finding of evidence.
- (e) The officer conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched (Penal Code § 4030(j)).
- (f) No employee should view an arrestee's private underclothing, buttocks, genitalia or female breasts while that person is showering or changing clothes unless the arrestee otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the arrestee with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the arrestee's consent and/or otherwise protect the arrestee's privacy and dignity.

Nothing in this policy section shall prohibit the otherwise lawful collection of trace evidence from an arrestee in accordance with the provisions of (c) through (f) above and based on a valid exigency, consent or a search warrant.

902.5.1 PHYSICAL BODY CAVITY SEARCH

- (a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant (Penal Code § 4030(h)).
- (b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative (Penal Code § 4030(i)).
- (c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search (Penal Code § 4030(k)).
- (d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

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Custody Searches

902.6 GENERAL PROTOCOL

- (a) Members of the Department will conduct person searches with dignity and courtesy.)
- (b) Members of the Department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.
- (c) Members of the Department should attempt to gain keys to locked property when a search is anticipated, and the time and effort required to gain the keys makes it a practical option.
- (d) When the person to be searched is of the opposite sex of the officer, an officer of the like sex should be summoned to the scene to conduct the search.
- (e) A search may be undertaken of a member of the opposite sex when it is not practical to summon an officer of the like sex. A supervisor and/or one other officer should witness the search, if practical.
- (f) The officer will explain to the person being searched the reason for the search and how the officer will conduct the search.

902.7 WRITTEN DOCUMENTATION

Written documentation is mandatory for all strip searches or visual body cavity searches. This documentation includes the prior written approval of the watch commander or supervisor; the identity of the person searching; the date, time and location of the search; and the results of the search. This information must be made available to the person or his/her representative upon request.

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Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The employment policy of the Santa Barbara shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Santa Barbara Human Resources Department.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Santa Barbara Human Resources Department maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Santa Barbara or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid California driver's license
- (b) The ability to drive safely
- (c) The ability to control a motor vehicle at high speeds
- (d) The ability to operate a motor vehicle in all types of weather conditions

1000.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel
- (c) Showing strong moral character and integrity in dealing with the public
- (d) Being honest in dealing with the public

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Recruitment and Selection

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

1000.3.4 DEPENDABILITY

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well
- (c) A record of dependability and follow through on assignments
- (d) A history of taking the extra effort required for complete accuracy in all details of work
- (e) A willingness to work the hours needed to complete a job

1000.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer

1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy
- (c) Discretion, not enforcing the law blindly
- (d) Effectiveness in dealing with people without arousing antagonism
- (e) The ability to understand the motives of people and how they will react and interact

1000.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations
- (b) The ability to make sound decisions on the spot
- (c) The ability to use good judgment in dealing with potentially explosive situations
- (d) The ability to make effective, logical decisions under pressure

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The objective of the evaluation system is to record work performance for both the Department and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall be sent to a POST approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

All employees who are prevented by MOU, agreements or contracts from using the SBPD evaluation process shall be rated annually using forms and procedures supplied by the City personnel office.

1002.3 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

Position	Evaluated Every 3 Months	Evaluated Yearly	Length of Probation
Probationary Sworn Employees	X		1 Year
Non-Probationary Sworn Employees		X	
Probationary Civilian Employees	X		1 Year
Non-Probationary, Civilian Employees		X	

1002.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy.

1002.4 FULL TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time civilian personnel during the probationary period.

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Evaluation of Employees

Sworn personnel are on probation for twelve months before being eligible for certification as permanent employees. Probationary officers in the Field Training Program receive daily, and end of phase reports from their Field Training Officers. Probationary officers are evaluated quarterly by their supervisor during the probationary period.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

- (a) **REGULAR** - For patrol personnel and those assignments/positions that have scheduled shift changes, an evaluation ("Employee Performance Summary") shall be completed on the anniversary date of hire, promotions, transfers, etc.
- (b) **TRANSFER** - If an employee is transferred from one assignment to another in the middle of a six-month evaluation period and more than 90 days have transpired since the shift change, then an evaluation shall be completed by the immediate supervisor before the transfer is made. No additional evaluation will be required at the end of that six-month rating period.
- (c) **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. Pay step increases are based on satisfactory performance per Santa Barbara City Municipal Code book. If performance is deemed to be unsatisfactory at the time the step increase is due, a special evaluation will be completed documenting the unsatisfactory performance.

1002.6 EVALUATION INTERVIEW

The employee and supervisor should meet before the evaluation is completed to discuss the evaluation process. This interview should include a discussion of the pre-evaluation questionnaire, the department's Sexual Harassment and Non-Discrimination Policy, the employee's pending action plan, and all relevant strengths and weaknesses that the employee or the supervisor(s) desires to document in the evaluation.

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.

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Evaluation of Employees

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1002.7 EVALUATION REVIEW

After the supervisor has completed the evaluation, the evaluation packet (include the pre-evaluation questionnaire) shall be forwarded through the chain of command for the Chief's review and approval. The supervisor shall present the approved evaluation to the employee for his/her review and signature. The employee may make his/her own written comments, for inclusion with the evaluation, for a period of 30 days after the evaluation is shown to him or her by a supervisor.

1002.8 MAINTENANCE OF PERFORMANCE EVALUATION SYSTEM

The Business Office shall be responsible for the administration of the performance evaluation program. He shall have the task of distributing the evaluation and the preevaluation forms to the appropriate division commander. The Business Manager will provide a list of the overdue evaluations ten days after the due date to the appropriate division commander.

After the completion of the evaluation and signing by the Chief of Police, the business office shall place the original in the respective employee's personnel file and forward a copy to the personnel department.

1002.9 CONFIDENTIALITY OF PERFORMANCE REPORTS

Completed evaluations shall be considered to be private (official) communications between the rated employee and the seniors in the chain in command, and the Chief of Police or any other person authorized by the Chief of Police. Performance evaluation reports contained in active personnel files may be subject to review by authorized persons during a promotional process.

Bunk Room Use

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures and responsibilities for individuals using the police department Bunk Rooms (Sleep Rooms) available to the employees of the police department.

The police department has provided a location designated for off-duty Department personnel to sleep or rest following extended working hours, a court appearance or other work-related activities making it difficult for personnel to return to their home to sleep. This program will assist Officers to better utilize their professional and personal time, mutually benefiting the Officer and the Department. The use of the bunk room is a voluntary. The Bunk Room is a City facility and as such, all City and Police Department rules apply. These rooms are not designed for long term stays and shall only be used as directed in this policy.

1003.2 PROCEDURE

The following procedures apply to the use of the Bunk Room:

1003.2.1 BUNK ROOM (SLEEP ROOM)

There are two separate Bunk Rooms for male and female employees. Bunk Rooms shall only be used by the gender designated for that specific room.

Personnel who wish to utilize the area designated for sleeping shall adhere to the following procedure:

- (a) Obtain the on-duty Watch Commander's authorization and advise Communications.
- (b) Proceed to the designated area, gaining access with the use of a bunk room key in the Watch Commanders Office. There will be seven numbered keys (1-7) corresponding to the number of beds available in the bunk room.
- (c) Utilize any available bed in the appropriate and available male or female Bunk Room.
- (d) Pick up clean bedding from the designated area located in each Bunk Room.
- (e) When finished with the Bunk Room place the soiled bedding in the cleaning bag located in the room.
- (f) Leave the facility in the same or better condition as found.
- (g) Advise Communications immediately upon leaving the Bunk Room and return your assigned key to the Watch Commanders Office.
- (h) Report any repair or maintenance issue to Administrative Services via the link on the portal for building maintenance.

1003.2.2 BUNK (SLEEP) ROOM LOG

A Bunk Room use log shall be maintained in the Watch Commander's Office. The Watch Commander shall ensure the use log is completed when personnel are authorized to use the Bunk Room and when personnel leave the Bunk Room.

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Bunk Room Use

1003.3 REGULATIONS

- (i) Personnel shall remain modestly clothed while using the facility.
- (j) Department personnel without authorization or others shall not enter the Bunk Room to visit or communicate with authorized personnel using the rooms.
- (k) The Bunk Room is a City facility and as such, all City and Police Department rules apply. Personnel shall be particularly courteous of others using the facility.
- (l) The use of alcohol shall not be permitted in any part of the facility or adjacent areas.
- (m) Smoking shall not be permitted within any part of the facility.
- (n) The storage of food, clothing, bedding, or other personal items shall not be permitted in any part of the facility beyond the duration of its immediate use.
- (o) The facility shall not be used by anyone other than Department personnel without the permission of the Chief of Police.
- (p) Personnel using the facility shall ensure that all utilities have been turned off, and doors and windows secured upon leaving the facility.
- (q) The use of the bunk room is voluntary.

1003.4 WATCH COMMANDER'S RESPONSIBILITY

The on-duty Watch Commander is responsible for periodic inspections of the Bunk Rooms as appropriate.

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.

The Administrative Services Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR § 9040).

The Administrative Services Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR § 9041).

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

California Penal Code § 29805 prohibits any person convicted of certain offenses including, but not limited to Penal Code §§ 273.5, 273.6 and 646.9, from lawfully possessing a firearm. Pursuant to the Federal Domestic Violence Gun Control Act (18 USC § 921(a) and 18 USC § 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Because such offenses may include any conviction involving 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), employees shall promptly report any and all convictions of such nature.

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. While this federal restriction does not apply to temporary restraining orders (18 USC § 922(d)(8)), California Family Code § 6389 does prohibit any individual from lawfully possessing a firearm if they are currently the subject of a domestic violence restraining order (including temporary and emergency orders). As such, employees shall promptly notify the Department if they become the subject of any temporary, emergency or permanent domestic restraining order.

1010.3 OTHER CRIMINAL CONVICTIONS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo 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.

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.

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Reporting of Employee Convictions

1010.4 REPORTING PROCEDURE

All employees of this department and all retired officers with a CCW endorsement 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 or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All sworn employees and all retired officers with a CCW endorsement shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the employee becomes the subject of a domestic violence restraining order issued by a court of competent jurisdiction.

Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

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. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

Alcohol and Drug Use Policy

1012.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Santa Barbara Police Department discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

1012.2 GENERAL GUIDELINES

The consumption of illegal drugs is strictly prohibited and the consumption of alcohol by on-duty personnel is generally prohibited except as necessary and expressly authorized in the performance of an official special assignment. Personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Personnel who have consumed an amount of an alcoholic beverage or taken any medication that would tend to adversely affect their mental or physical abilities shall not report for duty. Personnel shall notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work. If personnel are unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

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 Policy Manual § 1012.2. Employees will not report for duty under the influence of alcohol, or have the odor of alcohol on their breaths.

1012.2.2 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication with side effects that might impair their ability to fully and safely perform all requirements of the position shall be required to 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 strictly prohibited and may lead to disciplinary action.

1012.2.3 INTOXICANTS "" OFF DUTY

An employee while off duty shall not drink alcoholic beverages to an extent which renders him/her unfit to report for his/her next regular tour of duty, or which results in the commission of an obnoxious or offensive act such as quarreling¾ challenging to fight or fighting¾ using vulgar, profane, or indecent language¾ or deporting himself/herself in a loud or boisterous manner or engaging in any behavior that would be disturbing to bystanders.

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Alcohol and Drug Use Policy

1012.3 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary Employee Assistance Program to assist employees who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverage which provide treatment for drug and alcohol abuse. Employees may contact the Human Resources Department, their insurance provider, or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.4 WORK RESTRICTIONS

If any personnel informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his/her duties, the employee shall be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that any personnel's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the person whether he/she has consumed any alcohol or other drugs and, if so the amount and type of alcohol or other drug consumed and the time of consumption, and the name of the person who prescribed the controlled substance.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall transport him/her or cause him/her to be transported safely away from the Department.

1012.5 REQUESTING SCREENING TESTS

The Department may request an employee to submit to a screening test if the Department:

- (a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol, drugs, and any other controlled or uncontrolled substances that impairs his/her ability to perform their duties safely and efficiently.
- (b) Informs the employee of the specific facts supporting its belief and prepares a written record of those facts, and:
 - 1. Informs the employee in writing whether the test will be for alcohol or drugs or both.
 - 2. Informs the employee that the result of the test is not admissible in any criminal proceeding against him/her.
 - 3. Informs the employee that he/she may refuse the test but that refusal may result in dismissal or other disciplinary action.

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.

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- (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 causes substantial damage to property.

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.

1012.6 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy owed to employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee's other personnel files.

Sick Leave Reporting

1014.1 PURPOSE AND SCOPE

Employees of this Department are provided with a sick leave benefit that provides continued compensation during times of personal or family illness. The specified amount of hours are detailed in each employee's bargaining unit's Memorandum of Understanding. Sick time may only be used when an employee is unable to work due to personal illness or a member of the employee's immediate family is ill and the employee must care for that individual. Sick leave is not considered vacation and abuse of sick leave may result in discipline.

1014.2 NOTIFICATION

Employees shall notify their immediate supervisor as soon as they are aware they will not be able to report to work due to personal or family illness.

1014.2.1 NOTIFICATION

Employees are encouraged to notify the Patrol Secretary or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1014.3 EXTENDED INJURY / ILLNESS

Employees absent from work due to illness or injury in excess of three consecutive days shall be required to furnish a statement from their physician. The medical report shall specify the employee's ability to return to work and shall be signed by the attending doctor or physician.

1014.4 LIMITED/RESTRICTED DUTY

It shall be the policy of the Santa Barbara Police Department to permit employees to work limited duty assignments subject to the following conditions:

A physician must certify that the employee should not work at his presently assigned duties due to an illness or injury. The physician must describe a prognosis for recovery.

The employee may be placed in a limited duty assignment consistent with the needs of the Department. In the event the employee is a sworn Officer and not authorized to perform the functions of a Police Officer, he/she shall not be armed or in uniform.

The Department reserves the right to deny limited duty assignments for any of the following reasons:

- (a) If the assignment is inconsistent with the needs of the Department.
- (b) If the assignment must be created out of classification.

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Sick Leave Reporting

- (c) If there is an increased financial burden in the City.
- (d) If there is increased liability to the City.
- (e) If the limited duty assignment would prolong the illness or injury.
- (f) If full recovery is not known or expected.
- (g) If the recovery time is of extended duration.

Return to full non-restricted duty requires a medical authorization.

Department Management shall review all modified work assignments that exceed ninety (90) days in duration with Risk Management and the City Attorney's Office. This review shall determine the appropriateness of the employee continuing in the modified work assignment and shall be done every ninety (90) days for as long as the employee remains in the limited duty capacity.

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- (d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1016.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES

All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

- (a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.
- (b) The exposure occurred without the benefit of applicable exposure controls required by this policy.
- (c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

1016.2.1 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Department's Exposure Control Officer. The ECO shall be responsible for the following:

- (a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP).
- (b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.

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Communicable Diseases

- (c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.
- (d) Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.
- (e) Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.
- (f) Maintaining an up-to-date list of police personnel requiring training. Developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing and updating the training program.
- (g) Reviewing and updating the ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and any affected employees to ensure that the proper exposure control procedures are followed.

1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend)

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

1016.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

1016.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall

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be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

1016.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

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All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces,

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blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Name and social security number of the employee(s) exposed.
- (b) Date and time of incident.
- (c) Location of incident.
- (d) What potentially infectious materials were involved.

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- (e) Source of material or person.
- (f) Current location of material or person.
- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) PPE in use at the time of the incident.
- (j) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

1016.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

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The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the ECO to ensure that the proper testing and reporting occur. These methods are:

- (a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.
- (b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).
- (c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).
- (d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the Santa Barbara Police Department qualifies as a crime victim (Penal Code § 1524.1).

1016.5.1 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.
- (c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult with City Attorney and consider requesting that a court order be sought for appropriate testing.

1016.5.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the ECO should take the following steps:

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- (a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.
- (d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.
- (e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the ECO is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-arrestee.

Smoking and Tobacco Use

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 Santa Barbara Police Department facilities or vehicles.

1018.2 POLICY

The Santa Barbara Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public.

1018.3 EMPLOYEE USE

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 SNUFF, CHEWING TOBACCO, AND OTHER CHEWING PRODUCTS

Santa Barbara Police Department personnel are prohibited from using chewing products (i.e. sunflower seeds, non-Tobacco Chew & Pouches) requiring the spitting of such products, while in public view or in any place where a member of the public may view such activity.

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.

1018.5 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

Personnel Complaint Procedure

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Professional Standards Unit depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other government facilities.

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1020.2.2 SOURCE OF COMPLAINTS

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, by writing or by telephoning the department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
- (b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken.
- (c) When a complaint is received from a person who is intoxicated, the complainant shall be re-interviewed at the earliest opportunity after the complainant has regained his/her sobriety.
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.
- (e) If a complaint is received concerning an employee, policy, or procedure of an outside agency, the complaining party shall be advised to file the complaint with that outside agency and also advised that no investigation will be made by this Department.

1020.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints as a supervisor or Watch Commander log entry.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

1020.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability

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to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Watch Commander, Commanding Officer and Chief of Police are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Commanding Officer of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Professional Standards for further action. The supervisor receiving or initiating any formal complaint shall also record the required information into the Compliant Intake Log (located on the Departmental Portal) upon receipt of the complaint.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

Under normal conditions, when the Chief of Police or a Division Commander finds that it would be contrary to the best interest of the Department for an employee continue regular duties while an investigation is being completed or formal disciplinary action is pending, an employee may be placed on Administrative Leave.

Should the circumstances be severe enough to warrant the immediate removal of the employee from duty, any supervisor may do so pending a review by the Division Commander.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered
- (e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Chief of Police
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned

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1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Any time an allegation of criminal conduct is made, or it is discovered during the course of a personnel investigation, the Chief of Police shall be notified immediately. After a review of the facts, and a determination that a criminal investigation is necessary, a supervisor from the Investigative Division shall be assigned to conduct the appropriate inquiry. In the event any member of this Department becomes the subject of a personnel complaint and a criminal investigation, these two processes shall remain totally separate. Information collected during a Personnel Investigation from a source other than the employee being investigated may be provided to the Criminal Investigator, only if it is impractical to reconstruct or reproduce that information. This information shall be provided in a manner which is consistent with criminal and civil law.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Professional Standards Unit, the following procedures shall be followed with regard to the accused employee(s):

- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).
- (b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to *Lybarger*. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).
- (h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.

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- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

1020.6.1 ADMINISTRATIVE SEARCHES

An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- When the employee, whether on or off-duty, is involved in a shooting or police related death.
- When the employee is involved in an injury or fatal accident while on duty.
- When the employee is involved in an injury or fatal accident while operating any City owned vehicle whether on or off-duty.
- When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries

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of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s).

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

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Personnel Complaint Procedure

1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All complaints and investigations thereof with respect to allegations against policy, programs, and procedures, shall be retained by the office of the Chief of Police. Those complaints that are identified as personnel complaints which have been adjudicated, shall be retained in compliance with: Penal Code Sections 832.5, 832.7, and 832.8; Evidence Code Sections 1043, 1044, and 1045; and Section 34090 of the Government Code.

1020.8.2 DISPOSITION OF COMPLAINTS

On January 1st of each calendar year, the Internal Affairs Supervisor shall prepare a records destruction order in accordance with the requirements and procedures of the City of Santa Barbara and Government Code § 34090.

1020.8.3 DISPOSITION OF EVIDENCE

The Internal Affairs Supervisor shall have the responsibility of insuring that evidence is disposed of upon adjudication of the case or where formal penalties have been levied at the end of the appeal period.

1020.8.4 NOTIFICATION OF COMPLAINTS

The sergeant conducting the internal investigation shall have the responsibility for notification to the complainant of the final disposition of the case. This notification shall not include any information as to any sanction instituted against an employee as a result of

investigation of the complaint. The final disposition of the complaint shall be stated as sustained, not sustained, exonerated, or unfounded, and the employee(s) name(s) shall not be included in the notification.

1020.8.5 DISPOSITION OF ADJUDICATED COMPLAINTS

In accordance with Penal Code § 832.5 (b), the Professional Standards Unit shall retain for a period of five years all adjudicated citizen initiated personnel investigations regarding policy, programs and procedures. Administratively generated personnel investigations shall be retained for a period of two years in accordance with California Government Code § 34050.

1020.9 BOARD OF INQUIRY

A Board of Inquiry is an administrative board appointed for the sole purpose of investigating a matter of major importance to the Department. A Board of Inquiry is a fact-finding board and is not limited in scope to personnel matters alone. The Board will make written recommendations based on its findings to the Chief of Police. Because the Board is not a statutory entity, it has no power of subpoena; its findings and recommendations do not have the force and effect of law. Persons appearing before the Board do not, per se, have the

prerogative of legal counsel.

1020.9.1 APPOINTMENT OF THE BOARD

The members of the Board including the Chairman, shall be appointed by the Chief of Police. The specific functions, purpose, and duration of the Board shall be designated by the Chief of Police.

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Personnel Complaint Procedure

1020.9.2 PROCEDURES

The Board shall have free access to all reports and documents of the Department relevant to the issue. Witnesses may be summoned before the Board to testify to facts under investigation. At the conclusion of the hearing, a report shall be prepared on the findings and recommendations of the Board. Signatures of all Board members shall be affixed to the report, signifying approval or disapproval of the findings and recommendations. The completed reports, its findings, recommendations, and signatures, shall be submitted to the Office of the Chief.

Seat Belts

1022.1 PURPOSE AND SCOPE

Vehicle Code § 27315.5 requires law enforcement agencies to adopt a policy concerning the use of seat belts. Additionally, the use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision.

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.

All non-employees occupying the front seat of a police vehicle shall be required to wear available safety restraints.

All persons occupying the rear seat of a police unit shall wear available safety restraints unless physical conditions would prevent such from being applied.

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.

1022.2.1 TRANSPORTING CHILDREN

Children under the age of 8 should be transported in a car seat or booster seat in compliance with California's restraint system requirements (Vehicle Code § 27360). Exception- Children under the age of 8 who are 4' 9" or taller may be secured by a safety belt in the back seat.

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

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.

1024.2 POLICY

It is the policy of the Santa Barbara 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.

1024.3 ISSUANCE OF BODY ARMOR

The Department shall ensure that body armor is issued to all officers and that the body armor meets or exceeds the standards of the National Institute of Justice when issued. Body armor shall be issued when an officer begins service at the Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality have been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

(a) Officers shall only wear agency-approved body armor. (b) Officers shall wear body armor anytime they are in a situation they could reasonably be expected to take an 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 while engaged in patrol or field operations. (e) Body armor shall be worn when taking part in Department range training. (f) An officer may be excused from wearing body armor when he/she is involved in undercover or plain clothes 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.

1024.4 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained as required by this policy through routine observation and periodic inspections. Annual inspections of body armor should be conducted for fit, cleanliness, signs of damage, abuse and wear.

1024.4.1 CARE, MAINTENANCE AND REPLACEMENT OF BODY ARMOR

Officers should routinely inspect personal body armor for signs of damage and for general cleanliness.

Because dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturer's instructions.

Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the Rangemaster.

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Body Armor

1024.5 RANGER MASTER RESPONSIBILITIES

The Range Master should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to officer 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.
- (d) Ensure that officers are wearing body armor during range operations.

Peace Officer Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1026.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department.

Division File / Watch File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code §§ 1043, et seq. or in accordance with applicable federal discovery laws.

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1026.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Watch Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential Peace Officer Personnel File shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer.

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 § 146(e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within thirty (30) days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts which refute any such false statement. Penal Code § 832.7(d).

1026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Employees may be restricted from accessing any such files under the following conditions:

- (a) Ongoing internal investigations pending final disposition or notice to the employee of intent to discipline.
- (b) Internal Affairs files which have not been sustained against the employee to the extent that such files contain confidential information.

1026.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

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Peace Officer Personnel Files

1026.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.
 - 1. It shall be the responsibility of the involved employee to provide the Training / Recruitment Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
 - 2. The Training / Recruitment Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's department file.
- (c) Disciplinary action:
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090).
 - 2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).
 - 3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.
- (d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years (Government Code § 3305).
 - 1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).
 - 2. Any such employee response shall be attached to and retained with the original adverse comment.
 - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.
- (f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.
- (g) A photograph of the employee shall be permanently retained.

1026.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

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- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
 - 1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.
 - 2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
 - 3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the division file.

1026.7.3 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 supervisor of the Professional Standards Unit. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition
 - 1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).
 - 2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than two years (Government Code § 34090).
- (b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)).

1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Training and Recruitment Section for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the Training / Recruitment Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training / Recruitment Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1026.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

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All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date, however, it is the policy of the Santa Barbara Police Department to maintain these records for at least (5) years Government Code § 34090.

Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

- (a) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.
- (b) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

Specialty & Colateral Assignments

1028.1 PURPOSE AND SCOPE

The position of Police Officer II is a bonus position in this Department and not a civil service rank. Police Officers selected to fill these positions receive 2% per specialty position with a maximum of 6%. Each 2% increments is retained after completing a minimum of 75% of the assignment, unless approved by the Division Commander. Any assignment requiring special or extraordinary skills, effort, dedication, or hazard may be designated by the Chief of Police as a Police Officer II position. Police Officer II shall wear the small silver corporal's chevrons on the uniform collars.

1028.1.1 POLICE OFFICER II DISCRETIONARY SPECIALTY ASSIGNMENTS

An Officer holding a P-II Discretionary Specialty Assignment (A Police Officer II position which does not have an assigned rotation date) shall accrue a 2% pay increase at the beginning of the transfer into this position, unless the Officer has already achieved the maximum bonus pay for specialty assignments. The officer will then accrue an additional 2% specialty assignment bonus pay at the beginning of their fourth and sixth year in the discretionary specialty position, though their bonus pay accrual will cease whenever they have achieved the maximum bonus pay for specialty assignments. If they enter the position while already receiving the maximum bonus pay for specialty positions then no additional pay shall be received.

Subject to Division Commander's discretion, the officer may lose all of the bonus pay accrued while working in the Discretionary Specialty assignment if the officer is rotated out of the position before working the assignment 75% of eight years.

When an officer holding a P-II Specialty Assignment accrues benefits for Holiday Time, CTO, Vacation, Jury Duty, Catastrophic Leave, Family Care and Medical Leave, Sick Leave, Non-Replenishable Sick Leave, Military Leave, Bereavement Leave, or Industrial Leave the bonus pay shall continue and the leave time shall apply to the Officer's time within the specialty assignment.

1028.2 POLICE OFFICER II ASSIGNMENTS

The assignments identified as Police Officer II include:

- Beat Coordinator (BC)
- Canine Handler (K9)*
- Crime Scene Investigator (CSI)
- Field Training Officer (FTO)
- Investigator/Detective
- Training & Recruitment Officer
- Reserve Corps Coordinator
- Drug Abuse Officer Resistance Education Officer (DARE)
- School Resource Officer(SRO)
- Traffic Investigator (AI)
- Motor Officer

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- Special Enforcement Team Officer (SET)
- Nightlife Enforcement Team Officer (NET)
- Tactical Patrol Force Officer (TPF)
- Special Events Planning Officer
- Drinking Driver Team Officer (DDT)

* Discretionary Position

Each Division shall maintain current job descriptions for the Police Officers II assigned to that Division. Police Officers II will be expected to work in those assigned tasks over 50 percent of their time but may be assigned other duties as required. Other duties may include the routine assignments normally handled by other Officers as well as special assignments that could include community relations, crime prevention, staff work, public speaking, tactical details, recruiting, security details, or others. Nothing in this order prevents the assignment of duties identified as Police Officer II duties to the Police Officer I.

1028.3 ELIGIBILITY

An Officer must have completed the probationary period with the City prior to the anticipated promotion date for the open or soon-to-be open Police Officer II position, and have maintained a "satisfactory" overall performance. If the Officer currently holds a P-II position he/she must have completed 50% of their recommended duration of assignment for this position prior to the anticipated promotion date for the open or soon-to-be open Police Officer II position.

An Officer must be assigned to a Police Officer II assignment and be performing those duties more than 50 (fifty) percent of his/her work time in order to be eligible for the Police Officer II bonus. A Police Officer II who is transferred to a non-bonus assignment will not continue to receive the bonus.

Any transfer of a Police Officer II to a non-bonus position may be effected for reasons of failure to achieve required level of performance, lack of training or competence, for the convenience of the Department (such as cross-training or other operational needs), at the request of the Officer, promotion, or discontinuance of the position or function.

1028.4 SELECTION

The following selection process shall be utilized in selecting all Police Officer II positions. In addition, this process shall be used in the selection of specialized positions which are not Police Officer II positions, including, but not limited to the positions of SWAT Team Member, Crisis Negotiation Response Team Member, and Hazardous Device Technician. The officer shall meet the minimum requirements for the position listed in the job description as described in Section 1028.3 of the Department Manual.

Generally, employees will be notified of an opening for a P-II position through a written interoffice memo issued by the Commander of the division in which the opening will be available. The memo shall be issued a minimum of twenty days in advance of the position opening, or as soon as practicable, and it will include a description of the minimum qualifications as listed in the job description. The memo will direct the interested candidates to submit a memo of interest, résumé, and written recommendation from their immediate supervisor to the applicant's Division Commander through the chain of command. The applicant's Division Commander has final say as to their eligibility for the position. Employees not recommended by their Division Commander will be deemed ineligible to continue in the process and will be counseled by their supervisor and told

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why they are not currently qualified for the position. This counseling will include written documentation explaining why the applicant is not qualified and will articulate an action plan to remedy the problem. This documentation will be deemed non-disciplinary.

The oral board panel for the open position shall be comprised of three sergeants representing the divisions of all applicants as well as the division with the opening. Each panelist will be provided with a packet of information that includes a pre-designed list of questions to be used in the interview and the candidates' last two performance evaluations. The list of questions will be developed by the Division Commander of the division where the vacancy exists in consultation with those responsible for administering the process. During the interview, panelists will take notes on the form provided. Upon completion of the interview and review of candidate documentation, each candidate is assigned a pass-fail grade. Though numeric ratings are not given, the rating panel is directed to consider certain aspects of performance including communication skills, technical knowledge, preparation for the position, and unique qualities for the position when making their pass-fail decisions.

In addition to making pass-fail decisions, panelists will be asked to identify the candidates that they believe are the top three based upon the interview and document review. The Commander of the division where the opening exists will then be provided with this information along with a list of all candidates who successfully completed the interview component and a summary of rater comments for each candidate. The Commander is then responsible for making the final selection. This decision typically involves consultation with the Sergeants within the Division and, frequently, the person who will serve as the immediate supervisor. Upon request, the Commander of the Division where the opening exists will provide candidates with feedback on their performance in the oral interview in accordance with the policies of the City's Human Resources Division.

As noted above, the oral interview employs a structure similar to that used in formal oral examination processes in that it will include a set of pre-designed questions and an evaluation panel that will be provided with an orientation and direction to make assessments based only on job-related information. Such structure focuses the panel on job-related factors and increases the likelihood that the interview will serve as a fair and accurate assessment of the candidates' qualifications for the specialty assignment. Additionally, the structure of the process is familiar to candidates and is therefore more likely to contribute to the candidates' perception that the process is fair and objective.

Within thirty days of the interview the Division Commander with the open position will make available, upon request, feedback as to the applicant's performance on the oral board pursuant to the policies of the Human Resources Division of the City of Santa Barbara.

1028.5 COLATERAL ASSIGNMENTS

The selection process described above will be utilized for the selection of collateral assignments which include, but are not limited to:

- Special Weapons & Tactics Team Officer (SWAT)
- Crisis Negotiations Response Team Officer (CNRT)
- Hazardous Device Technician

The Officer shall meet the minimum requirements for the position listed in the job description.

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1028.6 TRAINING POSITIONS

Training positions in Police Officer II positions may be filled for specific time periods by a Police Officer I. The selection process for these positions will be the same as the selection process for Police Officer II.

1028.7 SPECIALIZED SERGEANT POSITIONS

Selection of Sergeants for specialized positions will be the same as the selection process for Police Officer II except that a selection committee will not be formed for the interview process. An interview of the candidates will be conducted by the division commander or assistant division commander.

Employee 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. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1030.3 EMPLOYEE OF THE MONTH PROGRAM

1030.3.1 PURPOSE

To identify non-managerial employees for excellent law enforcement service to the community and the Police Department. Service recognized as acts of heroism, initiative or call-related arrests of persons detrimental to the community, initiative or assigned follow-up cases of community interest, and the identification and solution to community problems as they involved the police service. Additionally, service to the Police Department in the form of ideas and suggestions that would make the Santa Barbara Police Department run more effectively and efficiently.

The Employee-of-the-Month-Program is intended to identify the excellent employees who are recognized for overall performance, ability and leadership, both on and off duty, and not just performance limited to a single act or occurrence.

A selection committee for Employee-of-the-Month will be composed of one supervisor from each of the four divisions, and one committee member to serve at-large. Committee members will be appointed by the Commanding Officer of each division. The committee member at-large will be chosen by the Patrol Division Commander. Appointment to the selection committee will be for a twelve month period, commencing each calendar year. The chairman of the committee will be selected by the committee members and will be responsible for all correspondence and record keeping. Any member of the selection committee who is nominated for Employee-of-the-Month is prohibited from participating in the selection process for that month's nomination.

1030.3.2 NOMINATIONS

Nominations for Employee-of-the-Month can be made by any person. Written nominations should include candidate's deeds, accomplishments, and excellence for the month. The recommendation should be forwarded to the nominator's Division Commander. The Division Commander will forward such nominations to the selection committee members. The selection committee will meet the last week of each month at the calling of the chairman. The committee will review the nominations and select one Employee-of-the-Month, however, the committee is not obligated to select an employee each month.

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Employee Commendations

1030.3.3 SELECTION

Selection and qualifications will be documented by the committee and forwarded to the Chief of Police. The employee selected shall receive both Department and community recognition. The employee's photograph and written accomplishments will be posted in the Department's squad room and in the Police Department's lobby. The photos will remain posted for the month, and be rotated as new employees are selected. A letter of commendation will be retained in the employee's record.

The names of the employees selected during the year will be submitted to the Citizen's council on Crime, and serve as candidates for Officer of the Year and the Tom Guerry Award. This order will not preclude other officers or sergeants from also being submitted to the Council for the same award. Since the program is open to both sworn and non-sworn line members of this Department, a non-sworn member who is selected shall be recognized as Employee-of-the-Month. A sworn member who is selected shall be recognized as Officer-of-the-Month.

It is the intent of this program to truly have an opportunity to recognize the many excellent employees and their contributions to this community and fine Police Department

1030.4 ANNUAL EXTRA STEP AWARD

1030.4.1 PURPOSE

The purpose of the annual event is to recognize and commend citizens for acts of civic heroism and devotion to the community. These acts include saving lives, aiding fellow citizens and assisting Santa Barbara Police Officers in the performance of their duties.

1030.4.2 SPONSOR OF THE AWARD

The Santa Barbara Downtown Kiwanis sponsors this event. The Organization contact person notifies the Community Relations Officer of the Administration Services Division annually of the upcoming event and the date and location of the awards luncheon.

1030.4.3 NOMINATIONS

Nomination by officers must be submitted to the Community Services Sergeant by the 31st of December of each year.

(a) The Beat Coordinator Supervisor will remind personnel by memo of the Extra Step Award luncheon, requesting nominations from officers on a form supplied from the Community Relations Officer.

(b) Two reminders will be sent out. Reminders will be sent out on the 2nd Friday in October and the 2nd Friday in December of each year.

1030.4.4 SELECTION PROCESS

A committee, comprised of the Community Services Division Lieutenant, Community Services and the Beat Coordinator Supervisor will review and select the nominations submitted.

(a) After selections have been made, the Beat Coordinator Supervisor will notify the Downtown Kiwanis contact person and a list mailed.

(b) The list, announcing the selections and the nominating officers will be circulated throughout the department by the Beat Coordinator Supervisor.

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(c) The Beat Coordinator Supervisor will ensure that the citizen is personnel invited and the nominating officer advised.

(d) Officers submitting nomination not selected will be notified in a timely manner by the Community Services Sergeant.

Fitness for Duty

1032.1 PURPOSE AND SCOPE

Government Code § 1031 requires that all officers 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 on this department remain fit for duty and able to perform their job functions.

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.

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.

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Fitness for 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 Human Resources Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10(c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1032.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in Policy Manual § 340 (Disciplinary Policy).

Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meal breaks (Code 7), insofar as possible, shall conform to the policy governing all city employees established by the City Administrator and existing MOUs. Priority One and Priority Two calls for service will not be held to accommodate Code 7 requests.

1034.1.1 UNIFORMED OFFICERS SUBJECT TO CALLS FOR SERVICE

(a) Officers are authorized to take one paid 30 minute Code 7 break during the duration of their shift. The Code 7 break is not "guaranteed" but efforts will be made so that officers receive their Code 7 time.

(b) Officers shall receive clearance from Combined Communications Center prior to taking a Code 7 break.

(c) The time allowed for Code 7 shall not exceed 40 minutes in total, 30 minutes for eating and 10 minute travel time.

(d) During Code 7, officers will remain "on-call" and available for emergency situations.

(e) Officers shall remain in uniform and available by radio, Nextel, or telephone. They shall also provide the Combined Communications Center with their Code 7 location.

(f) Generally, officers who have been on-duty will be given Code 7 preference over those officers who are starting their tour of duty.

(g) A "Code 7 list" will be established during briefing. The Code 7 list does not guarantee a Code 7 break nor does it assure that officers will be able to take Code 7 together. Officers who decline to take Code 7 when authorized to do so by the Combined Communications Center may be placed at the bottom of the Code 7 list. The Combined Communications Center with the assistance of the Watch Commander, when necessary, will balance the Code 7 requests with the available personnel and calls for service.

(h) No more than three uniformed officers shall take Code 7 at the same location and time unless prior approval by the Watch Commander or Supervisor.

(i) Generally, field strength should not be depleted by more than three units at any given time for the purpose of Code 7. These guidelines regarding the maximum number of officers taking Code 7 at any given time may be modified at the direction, or with the approval of the Watch Commander or his designee or field supervisor.

(j) Patrol Division Specialty Units, with the approval of a supervisor, may take Code 7 together so long as they refrain from taking themselves out-of-service during times when their expertise and services are most likely needed. Specialty Units shall remain "on-call" and available for emergency situations. They shall also provide the Combined Communications Center with their Code 7 location and be available by radio, Nextel, or telephone.

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Meal Periods and Breaks

(k) Officers shall take their Code 7 within the city limits unless on an assignment outside the city. Exceptions may be made by a Watch Commander or Field Supervisor on a case by case basis.

1034.1.2 OTHER SWORN OFFICERS AND CIVILIAN EMPLOYEES

(a) Civilian employees on a 9-80 schedule will take a one-hour (unpaid) Code 7 break.

(b) Other uniformed and non-uniformed sworn and civilian employees on a 4-10 schedule will take a one-half (1/2) hour (unpaid) or one-hour (unpaid) Code 7 break.

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).

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).

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 Combined 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.

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.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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Lactation Break Policy

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.

Payroll Record Procedures

1036.1 PURPOSE AND SCOPE

Time sheets are submitted by the supervisor of each individual working unit or team that they supervise to Division Commanders on a bi-weekly basis for the payment of wages. Also refer to §1038 " Overtime Management for information regarding overtime hours.

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.

1036.2 RESPONSIBILITIES

1036.2.1 EMPLOYEES

For overtime worked, standby time, or leave time off, employees shall document the amount of time and the reason as specified on the overtime/leave supplemental sheets. Employees should document the information at the end of the time period worked or absent as soon as the period ends. Employees should immediately seek out a supervisor to verify the time period. Both the employee and the supervisor should initial entries on the supplemental sheet.

In the event of overtime or standby time due to court subpoenas, a copy of the subpoena should be attached to the supplemental sheet. Refer to §1038 " Overtime Management for details.

Employees shall ensure that their timesheet and supplemental sheet are maintained currently and accurately. Employees shall sign their timesheet prior to the end of the pay period attesting to the accuracy.

1036.2.2 SUPERVISORS

Supervisors shall ensure that the employees they supervise work their scheduled hours and that any changes are accurately reflected on timesheets and supplemental sheets. Prior to the end of the pay period, supervisors will review the timesheet and supplemental sheet for each employee to ensure that:

- (a) The sheets are complete and accurately reflect hours worked and absent.
- (b) Overtime and leave hours are the same on both sheets
- (c) Employees have signed their timesheet. Supervisors submit the completed timesheets and supplemental sheets to their Division Commander for review.

Overtime Management

1038.1 PURPOSE AND SCOPE

The management of overtime is as much a part of supervisory responsibility as insuring a tactical operation is conducted properly or a follow-up investigation is brought to a successful conclusion. Although the nature of our profession requires a certain expenditure of overtime, it is still necessary to control the use of overtime to make certain we remain within budgetary constraints and do not suffer from an unusual loss of employee production due to CTO. Supervisors must always be cognizant of maintaining effective service to our community, while at the same time providing this management function.

1038.2 GENERAL OVERTIME MANAGEMENT POLICIES

(a) Overtime shall be accrued in increments of tenths except when a particular MOU states otherwise.

(b) Division Commanders have the need to utilize controlled overtime to insure that Divisional goals are met.

(c) All overtime must have (white sheet) prior supervisory approval. The following personnel are authorized to approve overtime for employees of their respective assignments:

1. Sergeants and above
2. Records Manager
3. City Humane Officer
4. Information Technology Manager
5. Business Manager.

(d) Overtime will not be granted during CTO, provided the employee is given notice by the Department before the CTO time has commenced. When work is required on a scheduled CTO day, and prior notice has been given – e.g.; subpoena or notice of a personnel shortage – then those hours worked shall be considered regular duty hours. The remaining hours, if any, shall be taken as CTO.

(e) Prior to approving overtime, the supervisor shall assess the actual need for the overtime expenditure. The supervisor shall consider alternative resources and the possibility of delaying the activity until the employee's next work day.

(f) Overlapping supervisors - on-coming supervisors will be notified of employees on overtime so that its use can be monitored and the actual time expended approved by that supervisor.

(g) Reports - prior to completing a report in an overtime status, an employee shall review the case with a supervisor, who in turn will approve overtime based on the following:

1. All arrest reports or reports requiring immediate follow-up shall be completed prior to going off duty.
2. No report shall be held over an employee's regular days off.

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3. Possible need for reports to file complaints or aid in Court presentation of the case.
 4. All reports are to be completed in the field during normal duty hours if at all possible. In the event the reports are not completed, the Field Supervisor will determine if they could have been completed and will take appropriate counseling or disciplinary measures to ensure adherence to this section are met.
- (h) Extended tour or investigative follow-up - Prior to approving overtime expenditure for investigative follow-up, the supervisor will consider the following:
1. Priority of the case.
 2. Assess the need for immediate follow-up.
 3. Evaluate the number of employees actually needed to conduct the investigation in the event of "call-out" or major occurrence.
 4. Determine if the task can be transferred to on-duty personnel.

1038.3 OVERTIME RESULTING FROM COURT PURSUANT TO SUBPOENA

- (a) It shall be presumed that overtime is approved when the employee is expending overtime due to the subpoena process.
- (b) The supervisor shall insure that subpoenas are accepted properly and delivered to the employee in a timely fashion.
- (c) The employee shall communicate with the issuing agency to insure the minimum expenditure of overtime. This is to be done by contacting the agency on the day preceding the scheduled appearance date and prior to actually going to court, to insure a disposition has not been reached. Routine traffic subpoenas are exempt from this requirement and the officer shall appear when so ordered.
- (d) An employee who is on an extended "on call" status shall contact the issuing agency on a daily basis to insure that status is in effect for that particular date.
- (e) A record of the persons contacted, instructions received, date, time, and dispositions shall be maintained on the actual subpoena which will be submitted with the timesheet. If no subpoena was issued – e.g., City Attorney's case – an inter-office memo shall be used.
- (f) The submitted timesheet and attached subpoena shall be routed to the Assistant Division Commander for review. It shall be the Assistant Division Commander's responsibility to monitor the use of employee overtime and to coordinate with the appropriate agency to insure the most efficient utilization of our off-duty personnel in Court appearances.

1038.4 OVERTIME RESULTING FROM SCHOOL ASSIGNMENTS

In most cases there is sufficient notice given to schedule school attendance to coincide with an employee's work week, which may cause some temporary changes in regular days off. No overtime shall be authorized without prior approval of the Division Commander.

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1038.5 OVERTIME RECORDS

There is a need to capture certain data for the management of overtime. There are eight categories (reasons) for overtime as follows. Employees should indicate the appropriate category when recording hours on the supplemental time sheet:

(a) Call out. This will include any time an employee is called back to duty either on his RDO after a normal tour of duty.

(b) Extended tour. This includes any time an employee is required to work past the normal expected shift. The only exception is if the person is only writing reports. All other former categories, such as follow-up investigation, late call, or civil disturbance which cause the person to work past the normal end of his assigned shift are included.

(c) Court time. This will include actual appearance in Court and "standby" or "on call " for Court.

(d) Special event. This category would be used to gather data on a particular occurrence, or in the case of prisoner transportation and travel time.

(e) Fiesta details. This is for any Fiesta-related work performed while on an overtime status.

(f) Pay down. This is to be used any time an employee receives pay for a portion of an accumulated overtime bank.

(g) Reports. This category is to be used when the employee is using overtime only for the purpose of writing reports.

(h) Standby. This is for scheduled or unscheduled "standby" time, except Court time. In addition to the use of the number for the reason for overtime (1 through 8), the employee shall include a justification for the expenditure. This requires a brief notation such as "Late call, Smith 245 P.C. arrest". The explanation allows for an immediate supervisory review prior to approval.

1038.6 ACCUMULATION OF OVERTIME

Currently, employees of this Department are allowed to maintain a bank of accumulated overtime hours in accordance with the respective MOU's with the City of Santa Barbara. An employee accumulating more hours than these limits can be paid down by the City to these limits.

In order to keep accumulated overtime within manageable limits, the Department has set a maximum number of hours which can be accumulated. When an employee's overtime bank reaches the maximum limit, CTO will be scheduled for the employee at the convenience of the Department. Scheduling of CTO when the employee has accumulated hours above the maximum bank (40 hours above MOU allowable), but has not reached the allowable maximum, is not precluded by this policy.

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

Extra Duty Job Assignment "" Any member of this Department who performs duties or services on behalf of or due to an event staged by an outside organization, company or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this Department so that the agency may be reimbursed for the cost of wages and benefits.

Off Duty 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.

1040.2 EXTRA DUTY

A California Supreme Court decision, *Peo. vs. Corey* (1978, 21 Cal. 7), held that a police officer could not be employed, by private entity, as an off-duty police officer and expect to be covered by Penal Code Section 243 or wear a police department uniform. Vicarious liability can be avoided by having the agency requesting police services contract with the Police Department which in turn will instruct its officers to provide police services for the agency.

1040.2.1 EXTRA DUTY ASSIGNMENTS

Extra duty job assignments will ordinarily be made on a voluntary basis. The following procedures cover selection of officers' and fiscal administration for these assignments.

When a Request for an Extra Duty Job Assignment is received and approved by the appropriate Division Commander, his/her designee will notify employees and request a reply from those who desire to work the assignment. Assignments will generally be made on to the qualified employees who have worked the least amount of extra-duty hours in that fiscal year. Exceptions may be made for special circumstances or due to late notification.

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

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- (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

1040.2.3 CITY VEHICLES

If City vehicles are used in the assignment, the Business Manager may charge for the vehicles at the rates established by the City of Santa Barbara.

1040.3 OFF-DUTY OUTSIDE EMPLOYMENT FOR POLICE EMPLOYEES

An employee of the Police Department is not permitted at any time to accept outside employment that for any reason would result in impairing their efficiency and effectiveness as a Police employee. Personnel of the Police Department shall not accept any outside employment without first reporting to the Chief of Police the name of the proposed employer, the type of work to be performed, the hours of employment, and obtaining the approval of the Chief of Police in advance of such employment.

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.

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1040.3.2 OFF-DUTY OUTSIDE EMPLOYMENT FOR PROBATIONARY OFFICERS

All probationary officers, during the first six months of their probation, are prohibited from engaging in any outside offduty employment in any capacity. Approval to engage in offduty outside employment, after the first six months and while still on probation, may be approved by the Chief of Police under the following considerations.

- (a) Prior police experience, its extent and quality.
- (b) Completion of the Academy and Department Recruit InService Training requirement.
- (c) Present duty assignment.
- (d) Acceptable performance evaluation reports and demonstrated potential for growth.

On Duty Injuries

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries or deaths to Risk Management, ensure proper medical attention is received, and document the circumstances of the incident. A more comprehensive explanation of the provisions in this policy will be found in the City Injury and Illness Prevention Program manual maintained in the Department Business Office.

1042.1.1 OBTAINING TREATMENT

Life threatening injuries requiring immediate emergency treatment such as profuse bleeding, unconsciousness, shock, etc., shall warrant emergency treatment. The injured employee shall be transported to the most convenient hospital.

Injuries not constituting an emergency but requiring a physician's care shall be initially treated by a physician at a specified medical treatment facility designated in the City Injury and Illness Prevention Program (IIPP). Designated facilities are listed in the Workers' Compensation Injury Report Kits maintained in the Watch Sergeant's Office and Business Office. If prior to sustaining the injury, an employee has designated a personal physician in writing with the City Risk Management office, the employee may seek treatment from their personal physician.

Upon notification that an employee has been injured on the job, the supervisor shall insure that:

- (a) First Aid is administered, if qualified personnel are available.
- (b) If treatment by a medical doctor is required, furnish the employee with a medical authorization form.

Injuries appearing to be superficial, but extremely painful or showing any unusual symptoms shall be examined by the physician at a designated medical facility.

If subsequent treatment is required and the patient prefers to be treated by a family doctor or a referred specialist, the change must be approved by the administrator for worker's compensation benefits, identified in the injury report kits. There are no provisions for switching doctors without this approval.

The city may require the injured employee to submit to additional examination by a physician chosen by the city.

1042.2 WORKER'S COMPENSATION FUND REPORTS

1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries requiring medical care must be reported to the City of Santa Barbara Risk Management Office. Workers Compensation Injury Report Kits are maintained in the Watch Sergeant's Office and Business Office. Employees must submit the claim forms, completed as instructed on the kits, to their supervisor or the Business Office before the end of shift or within 24 hours from the time the injury was discovered, excluding weekends and holidays.

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On Duty Injuries

1042.2.2 LIABILITY FOR FAILURE TO COMPLY

Labor Code §5400 makes failure to comply with the 24-hour reporting procedure a misdemeanor. Additionally, disciplinary action may be taken for an employee's failure to comply with this procedure.

1042.2.3 "ACCIDENT" DEFINED

"Accident" is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur, e.g. exposure where no immediate injury is apparent.

1042.2.4 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or involved in any accident while on duty shall report such injury or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury that requires relief from duty is required to be examined/treated by a doctor.

When appropriate, an employee being treated for an on-duty injury is to advise the attending physician that "light duty" may be available at the Police Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee shall report as soon as practical to their immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known.

1042.2.5 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2. Updated copies of forms with instructions for completion are contained in the Workers' Compensation Injury Report Kit provided by Risk Management and kept in the Sergeant's Office and Business Office.

For work-related accidents or injuries not requiring professional medical care, a City of Santa Barbara "Supervisor's Report of Injury" form shall be completed in triplicate. All copies of the completed form shall be forwarded to the Supervisor's Division Commander, through the chain of command. When an accident or injury is reported initially on the "Supervisor's Report of Injury" form and the employee subsequently requires professional medical care, the State of California "Employer's Report of Occupational Injury or Illness" form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an "Employee's Claim For Workers' Compensation Benefits Form" (DWC-1) within 24 hours, regardless of the nature of illness or injury.

Copies of any police reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

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On Duty Injuries

1042.2.6 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police shall review and forward copies of the report to the Human Resources Department. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

1042.2.7 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police shall review and forward copies of the report to the personnel department and retain one copy in the employee's personnel file.

1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Those injuries not requiring medical attention shall be recorded on a Supervisor's Report of Injury, a city form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

1042.4 DEPARTMENT OF JUSTICE REPORT

Whenever an officer is killed or injured as a result of accident or assault the appropriate report of the death or injury shall be submitted to Department of Justice, Bureau of Criminal Statistics in Sacramento along with the monthly Uniform Crime Report by the person or unit that prepares the U.C.R.

1042.5 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the

benefit of the City's experience in these matters, the following procedure is to be followed:

1042.5.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person, and is then approached by such person or an agent, insurance company or attorney, and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1042.5.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

In no case shall the employee accept a settlement without receiving prior approval of the Chief of Police. It must first be determined that the offered settlement will not affect any claim the City of Santa Barbara may have regarding payment for damage(s) to equipment

or reimbursement for wages against the person who caused the accident or injury. The objective of this policy is to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

Employees of this Department 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, 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 go 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 pony tail.

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

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

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 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. The wearing of jewelry by department personnel shall be done in a conservative manner and shall not detract from the professionalism of the department. The department will not reimburse for lost or damaged jewelry. Managers and Supervisors shall interpret compliance with the following provisions:

(a) Sworn Officers in uniform - Female officers may wear earrings in the earlobe (no hoops or dangling type earrings allowed). Male officers shall not wear earrings. Necklaces shall not be worn outside the uniform and shall not be visible. Finger rings may be worn, but shall be

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limited to engagement, wedding, class type (graduations) rings, or other non-conspicuous rings. Finger rings shall be limited in size and number as to not constitute a safety hazard. No bracelets (other than medicinal or medical alert) shall be worn on duty.

(b) All Civilian and Sworn in plain clothes - Earrings (in the earlobe), finger rings, and bracelets may be worn, in a conservative manner, and shall not detract from the professionalism of the department. Necklaces shall not be worn outside the clothing for uniformed personnel. Finger rings may be worn, but shall be limited to engagement, wedding, class type (graduations) rings, or other non-conspicuous rings. Finger rings shall be limited in size and number as to not constitute a safety hazard.

1044.2.7 BODY PIERCING

Body piercing ornamentation (other than earrings worn in the earlobe) shall not be visible while on duty.

1044.2.8 TATTOOS

While on-duty or representing the Department in any official capacity, Tattoos shall not be visible.

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Santa Barbara 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

SBPD Uniform and Equipment Manual

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 Santa Barbara 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 police 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) The following civilian personnel shall wear uniforms in compliance with the uniform and equipment manual: Police/Fire Communications Specialist I, Police/Fire Communications Specialist II, Police Records Clerk, Police Senior Records Clerk, Parking Collection Clerk, Parking Enforcement Officer, Police Property/Evidence Specialist, Police Crime Analyst Specialist, Police Range/Supply Specialist.

(d) Personnel shall wear only the uniform specified for their rank and assignment.

(e) The badge assigned to designated personnel shall always be worn while in uniform. The badge shall be attached to the badge holder provided on the outermost garment and shall be clearly visible at all times. Officers carrying concealed weapons in plainclothes, whether on or off duty, shall have the badge in their immediate possession at all times, unless their assignment precludes this as too risky.

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(f) When in uniform, all Officers shall have in their possession the identification card issued to them. Officers working plainclothes assignments shall have identification cards in their possession. Officers carrying concealed weapons in plainclothes, whether on or off duty, shall have the approved identification card in their immediate possession at all times.

(g) 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.

(h) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(i) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(j) 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.

(k) 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.

(l) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department's uniform, including the uniform pants.

(m) Mirrored sunglasses will not be worn with any Department uniform

(n) While in uniform, personnel shall wear only specialty insignia and emblems as authorized in the uniform and equipment manual.

(o) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his designee.

- Wrist watch
- Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
- Medical alert bracelet.

1046.2.1 CASUAL-DRESS DAY

Employees, except for uniformed officers on patrol, may dress more casually on Fridays. Appropriate business casual clothing includes casual shirts and blouses, skirts, split skirts ("skorts"), culottes, casual slacks, such as "Dockers" or corduroys, colored jeans (other than faded or worn blue jeans) and casual shoes. Standards of neatness, proper fit and good taste should be maintained. Faded or worn clothing, shorts, tank tops, t-shirts, athletic shoes of any type, short skirts, or any other clothing which would not reflect positively on the Police Department is not permitted.

Sworn officers required to carry firearms shall wear clothing that allows for appropriate concealment of weapons and that allows for easy and safe access to their weapons.

Employees who are attending court or making public presentations are not permitted to wear casual clothing while engaged in such activities.

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1046.3 CIVILIAN ATTIRE

There are assignments within the Police 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:

- T-shirt alone.
- Open toed sandals or thongs.
- Swimsuit, tube tops, or halter-tops.
- Spandex type pants or see-through clothing.
- 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 Santa Barbara Police Department or the morale of the employees.

1046.3.1 EQUIPMENT FOR PLAINCLOTHES OFFICERS

Officers assigned to plainclothes duty shall carry the following equipment while on assignment out of the station.

(a) Department badge

(b) Department identification card

(c) Approved firearm

(d) Handcuffs and key

(e) One full magazine for firearm

1046.4 OPTIONAL EQUIPMENT

(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 Police Department for the cost of providing the Department issued item.

(b) Maintenance of "optional" items shall be the financial responsibility of the purchasing employee. (I.e. repairs due to normal wear and tear.)

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(c) Replacement of items listed in this order as "optional" shall be done as follows:

- When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
- 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 Section 700)

1046.5 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Santa Barbara 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 Santa Barbara Police Department to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1046.6 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Santa Barbara 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.

Santa Barbara 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.

Uniform Specifications

1047.1 PURPOSE AND SCOPE

The uniform policy of the Santa Barbara 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.

1047.1.1 GENERAL SPECIFICATIONS

Specifications for the Santa Barbara Police Department uniforms and required equipment meet minimum requirements.

1. Fabric All fabric materials are to be of good quality, preshrunk, and colorfast. In addition, all fabrics are to comply with specifications for the particular garment. Elastic fabrics must bear a Kaumagraph Stamp indicating the manufacturer and the material.
2. Stitching All stitching is to be of the best quality with vat dyed thread, except as otherwise specified.
3. Metal The color of all visible parts of metal goods is to be chrome.
4. Workmanship The workmanship is to be of the highest quality, to the smallest detail. There shall be no raw edges or defective material or stitching in any part of any garment.
5. Fit Each garment must be tailored to the satisfaction of the purchaser. The item must also meet the appearance standards of the Department.
6. Guarantee Manufacturers, tailors, or vendors of all fabric items must guarantee the workmanship and the genuineness of the material by means of a cloth label stating:

"This garment is guaranteed to meet or exceed the specifications of the Los Angeles Police Department."

1047.1.2 HEAD GEAR

1047.1.3 EIGHT POINT CAP

Assignments requiring the wearing of the cap may include foot patrol, parades, formal inspections, funeral details, Basic Academy for recruits, and as dictated by the Chief of Police.

1. Material The material for the dress cap shall be London shrunk Wanskuck 386 18, or American Woolen Company 9928 BB blue.
2. Style and Construction the cap shall be medium soft Metropolitan eight point style with the top 11 inches in diameter. The tip of the visor shall be 6 inches from the front point of the top. The top of the band shall be 2 3/4 inches from the front point of the top. The back of the cap and side points shall extend 2 inches from the band. The cap shall have heavy shellacked, close woven bamboo or other suitable stiffening material. A 3/16 inch galvanized or other rustproof grommet shall be attached firmly to the front stiffening for support. Two rustproof metal eyelets shall be placed on each side of the cap for ventilation.

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Two such eyelets shall be placed in front, spaced 1 5/8 inches center to center and 1 inches above the band to hold the metal cap piece.

3. Frame The frame shall be of fine open black cane. The top of the frame shall be reinforced with one side galvanized covered wire.

4. Band The band shall be fast color, ventilated, black silk braid, 1 5/8 wide. The bottom edge of the cap shall be of the same material as the top.

5. Lining The cap shall have a full lining of gold silk of the best quality rayon with a large celluloid head protector containing a sewn slit with a 1 inch opening at one end for insertion of a name card.

6. Sweatband The sweatband shall be ventilated genuine leather, 1 3/4 inches wide, and hand sewn with not less than seven stitches to the inch.

7. Visor The visor shall be of 3 iron pulp board impregnated with Hurennette cover board. The underside shall be lined with 4Xlm3 green tile grain 3 ounce leather. The top shall be of .020 vinyl black patent bound with plastic. The visor shall measure 2 inches in width at the widest point and drop at an angle of 40 degrees. The visor shall be sewn onto the top of the frame.

8. Side Buttons The side buttons on Police Officer hats shall be silver metal bearing the Letter "P". Sergeants and above shall have gold metal "P" buttons. The "P" shall be upright when the cap is worn.

9. Chin Strap The chin strap for Police Officers shall be inch solid black patent leather, fastened with side buttons. The chin strap for Sergeants and Lieutenants shall be inch yellow metal wire lace of a sliding construction. The Chief, Deputy Chief and Captains shall wear a gold nylon chin strap.

10. Cap Piece The regulation cap piece shall be affixed to the front of the cap.

1047.1.4 CAMPAIGN HAT

The campaign hat is optional headgear. The wearing of the Campaign Hat may include regular duty assignment, foot patrol, parades, and as dictated by the Chief of Police.

1. Material - The material for the campaign hat shall be of felt, midnight blue in color; or straw, black in color.

2. Style and Construction , " the campaign hat shall be the four-dent style with an extra stiff 3" flat double brim. Single-vent eyelets shall be located on the sides and back of the hat for ventilation. The hat shall have brim eyelets, with one located on either side of the brim, and centered, to accommodate chin straps or other accessories. The badge eyelet will consist of two eyelets located 2 " above the brim and centered in the front to accommodate the metal cap piece.

3. Brim Cords - The cords for all Police Officers shall be standard black leather, fastened around the circumference of the crown.

4. Cap Piece - The regulation cap piece shall be affixed to the front of the hat.

5. Optional Accessories , " The Campaign hat may be worn with an optional hat protector or rain cover during inclement weather only. Chin straps have been deemed unnecessary and are not authorized

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1047.1.5 HELMET

The helmet shall be carried in the vehicle at all times and be available for use. The helmet may be worn at the Officer's discretion when he feels danger is imminent or when directed by a supervisor.

The General Duty Helmet is furnished by the Department. It shall be white with navy blue trim in the riser style. Police Officers' helmets shall have a silver decal and silver Mylar band with silver "P" buttons. Sergeants and above shall have a gold decal and gold Mylar band with gold "P" buttons. All decals shall be the police style as issued by the Department.

Officers assigned to motorcycle duty shall wear the Department issue motorcycle helmet at all times while operating the motorcycle.

1047.1.6 BASEBALL CAP

The authorized black baseball cap shall have " block printing "Santa Barbara Police" centered on front of cap. The word Police shall be centered below the words Santa Barbara which are arched above. Lettering shall be gold for rank Sergeants and above and white for all others. Baseball cap is the approved headgear for Class E Uniform.

1047.2 JACKETS

1047.2.1 DRESS JACKET

The dress jacket shall be worn only with the Class A uniform and as required by command decision for such events as funeral honor guard, VIP escorts, formal inspections, public speaking engagements, and/or as otherwise directed. The dress jacket shall be complete with Department shoulder patches, sleeve stripes, service hash marks, and appropriate rank insignia, badge, and nameplate. The dress jacket may be worn for general duty. Wearing of the dress jacket requires wearing of the necktie.

1. Material 386 16 Metcalf serge blue.
2. Style Peak lapel jacket with CHP style coat sleeves. Front fastened with talon zipper #5 from bottom of jacket vertically to base of lapels. Golf pleats each side of seam extending from shoulder seam to bottom of jacket. Adjustment straps with two buttons at side seams. Stitched down belt in back. Bottom of jacket made with turn-up. No separate waistband. Worn straight down, not bloused.
3. Lapels Peaked, with opening 15 inches in length, no buttonhole, 3 3/4 inches at widest point.
4. Sleeves Plain, with Department stripe of inch of same material as jacket piped with gold rayon 1/8 inch soutache top and bottom. Stripe to be 3 inches from bottom of sleeve and extended half way around sleeve from seam to seam and set into the seam at both sides. Sleeves are to have regular turn up. No cuff or buttons.
5. Facing Same material as jacket, cut in one piece, not less than 4 inches wide at top and 3 inches wide at bottom.
6. Lining Jacket to be fully lined with 841 to match.
7. Collar Width to be 1 3/4 inches wide at center of back and to be hand felled.

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8. Length to fit the individual for whom it is made. Back to be inch longer than the front. Waist length (Ike style).

9. Pockets two patch pocket style 6 inches deep, 6 inches wide at the top and bottom, with corners slightly rounded and with center box pleat and 3 point flap with button and buttonhole. Pockets must be properly stayed.

10. Buttons All buttons to be gilt with a letter "P" and wreath.

11. Badge holder to be placed above center of left breast pocket, with two metal eyelets spaced properly so that the lower point of the badge comes to the upper edge of the pocket.

12. Shoulder straps to be 2 inches wide at sleeve head and 1 inch at collar, and long enough to extend under the collar; with buttonholes. Buttonhole to be set so that button comes flush up to the collar. Strap to be cross stitched 2 inches from sleeve head. 13. Arm shields to be made of same material and piped.

1047.2.2 DUTY JACKET

Wearing of the duty jacket shall be optional. When the duty jacket is worn, it shall be complete with Department shoulder patches, cloth badge, cloth name tag and appropriate rank insignia (Sergeants and above). The authorized duty jackets are "Tuffy", "Blaster" and "Horace Small New Generation Convertible" styles.

1. Material Shall be 100% nylon, 3 oz. per square yard, 2 ply Taffeta, equivalent to Horace Small/Mt. Pleasant Manufacturing Company's "Recruit" (trademark). The fabric back is urethane coated with water repellent finish on the face. It shall be colorfast black.

2. Style Car duty jacket style, with shirred waistband and zipper front closure. There is a convertible collar.

3. Lining Fully lined with single ply nylon.

4. Sleeves Shall be coat style with buttoned sleeve cuffs.

5. Pockets Shall be two pleated, patch pockets with buttoned flaps and an inside pocket.

6. Epaulets

The Name Tag shall be black cloth, 1 3/16" high, and 5 5/8" wide with embroidered lettering 7/16" high. The nametag shall be sewn over the right breast pocket with the bottom edge of the nametag parallel to and even with the top edge of the pocket flap.

The lettering shall be embroidered with the first and middle initials and last name in silver colored thread for officers and gold colored thread for Sergeants and above.

Sergeants shall wear rank chevrons on each sleeve per Section 1047.65 (a).

Lieutenants and above shall wear appropriate rank insignia on the epaulets of the duty jacket per Sections 1047.65 (b) through 1047.65 (e).

1047.2.3 OPTIONAL DUTY JACKET

As an option to the duty jacket described in 1047.22, Officers may wear the below described jacket. It shall also be complete with the Department shoulder patches, badge, appropriate insignia of rank, and name plate.

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1. Material 210 Denier Nylon Oxford cloth. The fabric will have an extra heavy outerwear finish and will have durable water repellency on the face.
 2. Style Car Duty Jacket style, with three quarter type shirred waistband and zipper front closure. There will be a removable fur collar and removable quilted liner.
 3. Lining Removable lining with Carvin highwin nylon taffeta, color black, over 6 ounce Fiberfill lining, diamond quilted in 3 inch squares. The backside of the quilting shall be black tricot, nylon. There shall be an inside pocket placed on the quilted liner. The lining shall be bound with 1" Oxford nylon binding, black. There shall be durable nylon wristlets at the ends of each line sleeve; and there shall be loops and buttons at the ends of the liner sleeve to secure them.
 4. Sleeves Swing action coat style sleeves with concealed all nylon knit wristlets. Six ounce fiberfill lining throughout the sleeve area. Cuffs to be covered with black vinyl that is glued, folded, and stained on the edges.
 5. Facing 210 Denier Nylon Oxford, not less than 4 inches wide at top of zipper and extending into the shoulder seams and continuing under the collar.
 6. Pockets Two double compartment combination pleated pockets placed two inches above the waistband; pockets to measure 6 1/2" x 7 3/4" with 1 1/2" center pleat. A muff pocket shall be formed under each pocket with the opening on the sleeve side. Pocket flaps to be scalloped, three point silt buttoned with a black bone button, each corner held with a small spring ring snap fastener. A separate pencil pocket shall open between the left flap and pocket. One inside pocket on the left side of the zip out quilt lining measuring 5 inches wide and 6 inches deep.
 7. Waistband There shall be 3/4 shirred band, using 2" heat resistant and dry cleanable elastic, to be fitted over gun belt, holster top and handcuff and cartridge cases, with slight tension.
 8. Front To close with an Ideal zipper, brass 22", #5 size, single slider, separating.
 9. Collar Self collar is to be made from self goods and to be made with a separately cut collar stand. The detachable collar is to be made from self goods and a Borg Dynel fur pile, 26 ounces or more, and to be made with a separately cut collar stand.
 10. Epaulets Cross stitched shoulder straps that are attached during construction of the jacket. Straps to be one piece construction and to measure 2" at shoulder seam and to measure 2" at end. Sewn down at ends.
 11. Badge Holder Centered on left side above pocket and to be made of self material and metal eyelets, black.
 12. Cuffs Cuffs to have concealed nylon knit wristlets. Bottoms of cuffs to be covered with black vinyl.
 13. Construction All sewing is to be of dacron polyester and cotton thread. Armhole and front edges to be properly reinforced and taped. Armholes and other exposed edges are to be surged. The lining zipper is to be a #4 aluminum zipper by Ideal, 48" black tape and separating.
 14. Labels Each jacket is to have a Brand Label identification and a care label.
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1047.2.4 OPTIONAL DUTY JACKET

Wearing of the "New Generation" convertible duty jacket is optional. When the duty jacket is worn, it shall be complete with department shoulder patches, cloth badge, cloth name tag, and appropriate rank insignia (sergeants and above). The authorized duty jackets are: Tuffy, Blaster and Horace Small New Generation convertible styles.

1. Material - Shall be 100% nylon, 3 oz. per square yard, 2 ply taffeta, equivalent to Horace Small/Mt. Pleasant Manufacturing Company's "Recruit" (trademark). The fabric back is urethane coated with water repellent finish on the face. It shall be colorfast black.
2. Style - Car duty jacket style, with shirred waistband and zipper front closure. There is a convertible collar.
3. Lining - Fully lined with single ply nylon.
4. Sleeves - Shall be coat style with elastic sleeve loop and adjustable Velcro cuff closure.
5. Pockets - Shall be two pleated, patch pockets with buttoned flaps and an inside pocket.
6. Epaulets.
7. Cloth Name tags - The name tag shall be black cloth, 1 3/16" high and 5 5/8" wide with embroidered lettering 7/16" high. The nametag shall be centered over the right breast pocket with the bottom edge of the nametag parallel to, and even with, the top edge of the pocket flap. The lettering shall be embroidered with the first and middle initials and last name in silver colored thread (Steel Gray #8065) for officers and gold colored thread (Gold #1125) for sergeants and above. This also applies to Tote Bag cloth nameplates.

1047.2.5 MOTORCYCLE TOUR MASTER FLEX JACKET

The leather motorcycle jacket is to be replaced by the Tour Master Flex Le Jacket (or a suitable manufacturer of comparable style and quality) for Class A, Class B and Class C uniforms. Only Officers assigned to motorcycle duty shall be authorized to wear the Tour Master Flex LE Jacket when the Class A, Class B and Class C uniform is worn. Motor Officers may only wear the Tour Master Flex LE Jacket while actually assigned to motorcycle duty while the Class A, Class B and Class C uniform is worn. When the Tour Master Flex LE Jacket is worn the cloth badge must be properly displayed on the badge holder and the department patches displayed on each shoulder. The Tour Master Flex Le Jacket (or a suitable manufacturer of comparable style and quality) should incorporate the following features. 1. A "Duty" look with features such as badge holder, shoulder epaulets, snap-down collar, large front pockets, mic strap, and side tapering so as not to interfere with any belt equipment 2. Jacket color and presentation conform to most patrol duty jacket appearance standards 3. Reflective back strip and sleeve piping for better nighttime visibility 4. Carboflex stretch side panels allow the jacket to fit comfortably over different sizes of bulletproof vests 5. Adjustable Velcro waist cinch straps for a perfect fit 6. Zippered hand pockets, internal pouch pocket and mobile media pocket 7. Hidden zipper in shoulder vents for application of patches without interfering with waterproof gusset 8. Higher cut waist to fit above gun belt 9. All season comfort is obtained by having the features of a removable wind/water-proof, 600 Denier Carbolex outer shell to an open-air Armor-Link mesh jacket, and vice versa 10. Water-resistant outer shell incorporates water-proof zippered shoulder and rear vents 11. Adjustable sleeve take-up straps to help secure elbow armor and material 12. Removable. CE approved armor at the elbow, shoulder and a triple density back protector 13. Tour Master Z.O.Q. (Zip-Out Quilted) liner with warming 100g polyfill insulation.

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1047.2.6 LEATHER PATROL JACKET (CLASS "B" JACKET LEATHER)

The wearing of a leather patrol jacket shall be optional by police officers assigned to uniform duty. Patrol Officers shall not wear a leather motorcycle jacket, authorized for use by motor officers, as a substitute for the leather patrol jacket. The metal police badge and metal name plate shall be properly displayed on the outside of the jacket. Only the GI-P Police Jacket, produced by San Diego Leather, is authorized as a "Class B-Leather" patrol jacket and shall meet the following specifications:

GI-P Police Patrol Jacket (San Diego Leather) , Black Cowhide

- External badge holder Nameplate holder (Size 2 " X 5/8")
- Department patches sewn to the shoulders
- Sergeants shall have chevrons sewn on sleeves
- Plain leather collar, worn flat against the jacket
- Front Patch Pockets with visible Black Brass Snaps securing the pocket flap Leather cuffs and waist band
- Zip-out Thinsulate lining (Optional)

1047.3 UNIFORM SHIRTS

1047.3.1 LONG SLEEVE

The long sleeved uniform shirt shall be worn with Department shoulder patches, the appropriate insignia of rank, service hash marks (for the Class "A" shirt), nameplate, badge, authorized medals, and necktie with tie bar. A metal spring point style collar stay should be used to keep the collar points down to present a sharp appearance.

1. Material the shirt material shall be made of 9 1/2 ounce or 10 ounce American Woolen Mills, 2 ply gabardine 545 B or blue 2 ply tropical worsted 8321 BB, London shrunk; or Wanskuck 386 9, blue. This cloth shall be stamped with a Kaumagraph stamp indicating the manufacturer and the material. All of the thread used in the construction shall be of the best quality silk, vat dyed or equal. Material optionally may be dacron/polyester blend to LAPD specification.

2. Guarantee Each shirt shall bear a cloth label specifying the following: "We guarantee this cloth to be genuine American Woolen Company's 81 BB, London Shrunk (or alternate number), as specified by the LAPD."

3. Collar The collar shall be military lock style with one 5/8 inch button under the collar for the flap extension. The band shall be 1 1/4 inches high in back and one inch in front. It shall be bull stitched with four rows of stitching running horizontally 1/4 inch apart or diagonally quilt stitched. The facing shall be made with good grade Sanforized poplin of a color to match the collar. The top collar shall be 3 1/4 inches at the front point and 1 5/8 inches at the back and shall be lined with 375 lining.

4. Body The body of the shirt shall be form fitting with a straight yoke 3 inches deep extending up to the collar and well over the shoulder. The front of the shirt shall have not less than a 1 5/8 inch or more than a 1 3/4 inch box pleat with self facing and with five 5/8 inch buttons and buttonholes. The shirt shall be of the open front style. All seams shall be not less than 1/4 inch or more than 3/8 inch double stitched.

5. Pockets Two breast patch pockets shall be 6 inches long and 5 3/8 inches wide at the top and bottom. Each pocket shall have a 3 point flap 5 1/2 inches wide, 2 3/4 inches

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at the points, and 2 1/4 inches at the curves. A vertical buttonhole shall be located on the center point line of each flap. A black 5/8 inch button shall be sewn on the pocket to correspond to the buttonhole. Either Velcro or Prym Auto Matic snap (Amity notion) shall be installed inside the points at the corner of each flap. The snaps or Velcro shall be sewn to the corresponding position on the flap point. The snaps or Velcro shall be located as near to the point end as possible, but not visible from the side. The bottom corners of the pockets shall be rounded, double stitched on the bottom and two sides, with a 1/2 inch hem across the top. A pencil pocket with a 1 inch opening through the flap shall be made on the right side of the left pocket.

6. Shoulder Strap - Self cloth extending from the sleeve seam to within 3/8 inch of the seam joining yoke and neck band and shall lie flat upon the shoulder. The forward edge shall overlap 1/4 inch parallel to the top shoulder seam of the yoke. Strap shall measure 2 inches wide at the sleeve seam and 1 1/2 inches at the top, which shall come to a point measuring 1/2 inch at the center. A buttonhole perpendicular to the collar shall be centered in the open end of the strap with the end of the buttonhole nearest the collar measuring 1/2 inch from the extreme edge of the point of the shoulder strap. A 5/8 inch black button shall be sewn onto the yoke beneath the opening in the strap. The strap shall be stitched to the shoulder seam with 2 rows of stitching and shall be stayed across 2 1/4 inches above the shoulder seam and cross stitched. The entire length of the strap shall be sewn to the shirt by stitching over the 1/4 inch edge stitch line.

7. Badge Holder Shall be self cloth measuring 2 1/4 inches long and 1 inch wide, centered above the left pocket flap. It shall be equipped with 2 black rustproof metal eyelets center spaced 2 inches, with the top eyelet center located 3 1/4 inches above the top of the pocket flap. No part of the holder shall show from behind the badge.

8. Sleeves Shall have reinforced elbows made by extending the plackets 11 1/4 inches from the cuffs and widening to 6 3/4 inches at the elbow, extending down the inseam a minimum of 5 1/2 inches. The placket vent shall be double stitched all around. These measurements based on size 15 X. All other shirt sizes shall have proportionate measurements.

9. Cuffs Shall be 2 1/2 inches wide, square, with two buttons and buttonholes evenly spaced. They shall be double stitched all around with not less than 15 stitches to the inch using double 0 thread of best quality. Cuffs shall be inner lined with 5.00, Sanforized, matching interlining.

1047.3.2 SHORT SLEEVE

The short sleeved uniform shirt shall be worn with Department shoulder patches, the appropriate insignia of rank, nameplate, badge, and authorized medals. In no instance shall the neck of the T shirt extend above the collar of the uniform shirt. Boat neck or turtleneck style undershirts shall not be worn with the uniform.

1. Material Same as long sleeved.

2. Guarantee Same as long sleeved

3. Collar Short sleeved shirts shall have a semi dress convertible sport type collar consisting of 3 pieces collar top, inner lining, and facing. It shall be sewn to the yoke and shall curve over the shoulders. Points shall measure 3 1/8 inches finished and the back shall measure 3 inches from the center of the yoke to the outer edge of the collar.

When finished and pressed, the collar shall measure 1 5/8 inches at the center of the back and shall completely cover the seam joining the yoke and collar. It shall be interlined with

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black Pellon. The collar shall be 1/4 inch double stitched all around. There shall be two 2 1/4 inch bi angle insert tab pockets under the collar to provide for the celluloid stays. Stays shall measure 2 1/4 inches long and 1/4 inch wide. "Perma Stay" flexible type tabs permanently anchored inside the collar may be used.

4. Body Same as long sleeved.
5. Pockets Same as long sleeved.
6. Shoulder Strap Same as long sleeved.
7. Badge Holder Same as long sleeved.

8. Sleeves The length of the sleeves shall extend to within approximately 1/2 inch above the inside of the forearm and in no event touch the forearm when it is bent at a 90 degree vertical angle. The sleeves shall be finished with a turned up hem single stitched 3/4 inch from the bottom. The centerline of the sleeve shall be tailored proportionately to the wearer's arm.

1047.4 UNIFORM TROUSERS

1047.4.1 TROUSERS

Uniform trousers shall be worn at all times with Class A (Dress and Duty) and Class B and C uniforms.

1. Style and construction- shall be the slacks type. Rise shall be of sufficient length to allow the bottom of the waistband to ride above the hip bones. Waistband shall be cut in two separate pieces, 2 inches wide, made in the Brown method, and lined with the best quality pearl twill. A rubberized waistband 1 inch wide shall be sewn to the inside of the trouser waistband (Snugtex quality). It shall be resistant to laundering and dry cleaning agents, light perspiration, and weather. Trousers shall have an inner seat lining of natural shade muslin. Seat area shall be fully lined not less than 7 inches downward and around the crouch area. Seams shall be sewn with silk thread and inside seams shall be over sewn with silk thread and inside seams shall be overcast. The French fly shall have a heavy-duty Talon (trademark) front closure zipper and either a button waist or a hook-and-eye closure properly stayed.

The fabric shall be dyed to match the standard LAPD shade which is the same as Raeford Worsted Company's shade No. 8818, or Metcalf's shade No. 386 16 Blue. The fabric shall be trademarked to show the name of the producer. Material optionally may be dacron/polyester blend to LAPD specification.

2. An additional slacks option for the class "C" uniform is the Tactical Trousers (BDU type) , 65/35 poly cotton, six pocket, navy blue with sap pockets. Tactical trousers shall not have leg ties used for blousing. K9 handler, S.E.T. Officer, N.E.T. Officer, and the T.P.F. Officer may also choose the Tactical Trouser pant for regular, class "B", duty wear. The S.E.T. Officer's Tactical Trousers shall be black.

3. Style and Construction shall be the slacks type. Rise shall be of sufficient length to allow the bottom of the waistband to ride above the hip bones. Waistband shall be cut in 2 separate pieces, 2 inches wide, made in the Brown method, and lined with the best quality pearl twill. A rubberized waistband 1 inch wide shall be sewn to the inside of the trouser waistband (Snugtex quality). It shall be resistant to laundering and dry cleaning agents, light, perspiration, and weather. Trousers shall have an inner seat lining of natural shade muslin. Seat area shall be fully lined not less than 7 inches downward and around the

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crotch area. Seams shall be sewn with silk thread and inside seams shall be over sewn with silk thread and inside seams shall be overcast. The French fly shall have a heavy duty Talon (trademark) front closure zipper, and either a button waist or a hook and eye closure properly stayed.

4. Legs (Male Trousers) Shall hang to a point not less than one inch from the top of the heel in back, and hollowed in front to allow the bottoms of the trousers to rest on the shoes without a break. Leg bottoms shall be plain with a minimum 2 inch turn up, 17 inches wide, size 33, and a 20 inch knee (graded according to size). Leg bottoms shall have self cloth stays at front and back.

5. Legs (Female Trousers) Shall hang to a point not less than one inch or more than two inches from the top of the heel in back, and hollowed in front to allow the bottoms of the trousers to rest on the shoes without a break. Leg bottoms shall be plain with a minimum 2 inch turn up, with a width of not less than 17 inches or more than 20 inches. Knees shall not be less than 20 inches wide on a size 34; however, the width of the bottoms and knees shall be proportionate to the size of the trousers and shall be constructed on a 19 to 21 inch modified flared.

6. Pockets Pockets shall be constructed with one watch, two hip, two club, and two side pockets, plain without flaps. Hip pockets shall be 6 inches wide and 7 1/2 inches deep, finished with approximately a 1/8 inch double cord edge with a 1 1/2 inch facing on the back and a 3/4 inch finish on the front; facings shall be self cloth. A club pocket 3 1/2 inches wide and 8 inches deep shall be placed 5 1/4 inches below each hip pocket; same finishing as hip pockets.

The front edge of the club pockets shall be 3/4 inch from the side seams of the trousers. Side pockets shall have an opening not less than 6 1/2 inches and shall be 4 inches deep measuring from the bottom of the pocket opening to the bottom of the pocket. Side pockets shall have a 1/4 inch welt edge; facing of self-cloth shall measure 1 1/2 inches top to bottom finished. All pockets shall be made with 2.50 drill, dyed black with Indo Carbon dye, prototype No. 126 and shall be double lock stitched at the bottom. A watch pocket, 3 inches wide and 4 inches deep, shall be placed on the right side of the trousers. All pockets shall be securely stayed and reinforced with heavy bar tacking in triangular shape. Female Officers shall have the option of sewing closed the side trouser pockets to prevent a "gaping open" effect.

7. Belt Loops Shall have 7 stitched though belt loops 3/4 inch wide to allow a belt 1 3/4 inches wide to pass through. One loop, center back, shall be dropped and stitched 1/2 inch below the waistband. The remaining 6 loops shall be sewn into the bottom of the waistband and stitched into the waistband lining. Loops shall be proportionately spaced from the center back to the front.

1047.4.2 MOTOR OFFICER PANTS AND TROUSERS (BREECHES), MOTOR OFFICER UNIFORM

Officers assigned to motorcycle duty shall wear the prescribed motor breeches or the optional duty trousers while in class B or C uniform. Motor Officers not assigned to motorcycle duties shall wear the regulation trousers.

1. Material Charlottesville Whipcord, 10 ounce, number 2319, or 19 1/2 ounce blue Elastique, Lot 975, Hamburger Mill, 100% wool, Shade Raeford Worsted Company's No. 96.

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2. Guarantee Each pair of motor breeches shall bear a cloth label specifying the following: "We guarantee this cloth to be genuine Charlottesville Whipcord, 19 ounce No. 2319 (or alternate approved material) as specified by the LAPD."
3. Pockets Breeches shall contain two top style pockets, two hip pockets with buttoned flaps, two watch pockets, and two club pockets. Pocket material shall be made of 250 drill pocketing.
4. Waistband Lining The material used for the waistband lining of the breeches shall be clack sateen.
5. Reinforcement Breeches shall have a full cavalry style reinforced seat and knee in one piece. The knee strapping shall extend across the knee to the side.
6. Bottoms The bottoms of the breeches shall be tapered to fit into the motorcycle boots without bulging. The bottoms shall be finished with zippers attached in a concealed style.
7. Belt Loops Seven lined, tunnel belt loops, 1 3/4 inches wide, shall be sewn into the waistband. The waistband shall be a 2 inch separate one.
8. Fly The trousers fly shall have a Talon or comparable zipper and shall have an anchor button in addition to the fly button.
9. Stripe The trousers shall have a 5/8 inch gold stripe sewn lengthwise along the outer side seam of each leg. Rice's No. 74C16-0493, gold.

1047.4.3 OPTIONAL DUTY TROUSERS

Officers assigned to motorcycle duty shall may wear the prescribed motor officer pants when assigned to wear either the Class B uniform or the Class C uniform. Motor Officers not assigned to motorcycle duties shall wear the regulation trousers. The motor officer pants shall be the Tour Master Flex LE Pants and should include the features as follows.

1. 600 Denier Carbolex® shell converts easily to an Armor-Link Mesh shell, and vice-versa.
2. Phoslite® reflective piping helps to increase nighttime visibility.
3. Heat resistant material panels line the lower inseams to help protect the pants from engine heat.
4. Thigh length side zippers allow for ease of dressing.
5. Double stitched construction throughout.
6. Dual elastic panel waistband with adjustable waist belts and a 2-snap main closure.
7. Removable, CE approved knee armor with Tour Master's exclusive 3-Position Knee Armor Alignment System as well as removable soft hip armor.
8. Stretch materials in the calf, inseam and knees provide flexibility and a performance fit.
9. Includes Tour Master's removable, 2-Stage Aqua-Therm® liner; the first stage is a waterproof/windproof liner, and the insulated second stage can be easily attached for additional warmth.
10. Adjustable waist belts, with TPR pulls, help to fine tune the fit.

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11. Features an 8" pant/jacket zipper attachment with the jacket side included.

1047.5 UNIFORM FOOTWEAR

1047.5.1 SHOES AND BOOTS

Shoes or boots of the specified types shall be worn at all times Officers assigned to motorcycle duty shall wear boots. All footgear shall be maintained in a neat, clean and completely serviceable condition. Footgear shall be highly polished with blank shoe polish. Worn soles and heels shall be replaced. Shoes and boots shall be maintained as specified per section 1046.2.

1. Shoes - Black leather or corfram. Smooth finish, center-laced, solid black color. May be either low quarter or ankle-high style with a military or plain tiptoe. No die work or ornamentation permitted. (AMENDED 12/14/98, GO# 11-98)

2. Boots , Black leather or leather/nylon/cordura. All portions of the boot, including upper panels, must be black. Rounded military or plain tip toe of full grain leather, polishable to a high gloss with no stitching across the top. Center-laced with eyelets over the top of the foot. No die work or ornamentation permitted. Only employees engaged in field duties, or physically strenuous activities (e.g., frequent lifting) may wear boots with Class A, B, or C uniforms. Boots shall not be worn for formal inspections, ceremonies, funerals, court appearances, or public

1047.5.2 MOTOR OFFICER BOOTS

Only Officers assigned to motorcycle duty shall be authorized to wear Motor Officer boots. Motor Officers assigned to other duties shall wear the standard prescribed footgear (shoes) with the regulation trousers. Motor Officer boots as described below shall be worn with Motor Officer breeches when a Class A uniform is the prescribed uniform.

1. Material Leather or coram combination manufactured by either Osser Freidman Company, Dehner Company, or a suitable manufacturer of comparable style and quality.
2. Style To be plain toed, smooth finish, laced over instep not to exceed eight inches. Upper outside of top to include gore not to exceed four inches, with strap and buckle closure.
3. Upper Stock Height to be not less than 18 inches or more than 20 inches.
4. Exception When the wearer's leg precludes the wearing of boots within prescribed dimensions, a shorter or taller boot may be worn, provided the top of the boot, after wrinkling at the ankle, is not less than one inch below the bone of the inside of the leg, which bone is known to the boot industry as the boot bone.

1047.5.3 OPTIONAL MOTOR OFFICER BOOTS

Officers assigned to motorcycle duty shall wear boots as described in section 1047.5.1 while wearing the optional duty trousers outlined in section 1047.2.3. Boots shall be worn at all times while operating a motorcycle and shall provide coverage over the ankle.

1047.6 UNIFORM ACCESSORIES

1047.6.1 DRESS BELT

Belt shall be worn at all times with breeches and trousers.

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1. Material To be 8 9 ounces top grain cowhide, black.
2. Style To be hand stamped basketweave design. Width to be not less than one or more than two inches with straight type end. To have a plain chrome heel or bar type buckle.

1047.6.2 SOCKS

Socks of the prescribed color shall be worn at all times when in uniform. Exception: when the condition of the wearer's feet, through disease or injury, make wearing inadvisable. In such instances, white bottoms may be substituted for prescribed socks when a doctor's written statement substantiates necessity for change. Uniform socks shall be black or navy blue in color without design.

1047.6.3 NECKTIE

The necktie shall be worn with the long sleeved shirt Class A (Dress) (Duty) shirt. The necktie shall be fastened to the shirt with the regulation tie bar. The tie bar shall be the width of the necktie and 5/8 inch wide. It shall be worn horizontally and level with the bottom points of the shirt pocket flaps. The tie bar for Police Officers shall be silver metal. The tie bar for Sergeants and above shall be gold metal. No ornamentation or inscriptions are allowed.

1. Color Black
2. Material Rayon and acetate worsted fabric.
3. Style To be double Windsor, breakaway style (Clip on), not to exceed 3 1/2 inches at the widest point (Wembley's or equal).

1047.6.4 TIE BAR

The tie bar shall be worn horizontally with the bottom edge of the tie bar level with the bottom points of the pockets of the uniform shirt. The tie bar shall be plain metal, 5/8 inch wide and 2 1/2 inches long, to fit the width of the necktie. No ornamentation, insignias, etc. shall be permitted on the tie bar. Tie bars for Police Officers shall be plain silver colored metal. Tie bars for Sergeants and above shall be plain gilt (yellow) metal.

1047.6.5 TURTLENECK UNDERSHIRT

Officers may wear a black turtleneck undershirt with an opened-collared long sleeved shirt.

1047.6.6 WISTLE

Black plastic Acme (brand) "Thundered" or comparable type.

1047.6.7 MOTOR UNIFORM ACCESSORIES

Turtleneck Undershirt: Motorcycle Officers shall be authorized to wear a black turtleneck undershirt. The turtleneck shall be optional, and it is to be worn under the uniform long sleeved shirt. When worn under a leather jacket, the officer may also wear the scarf as described in this section.

1. Material - 50/50 cotton polyester
2. Color - black without design
3. Style - long sleeve, with spandex neck and cuffs

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Scarf: Only Officers assigned to motorcycle duty shall be authorized to wear a scarf. When worn, scarves shall be worn under the leather jacket with no loose ends protruding. The scarf may be worn instead of the necktie while assigned to motorcycle duty.

1. Material Silk or all wool gabardine.
2. Color Black without design.
3. Style Rectangular, not to exceed 12 inches in width or 60 inches in length.

Whistle Chain: Only Officers assigned to motorcycle duty or accident investigation are authorized to wear a whistle chain. When worn, the whistle chain shall be attached to the right shoulder epaulet. The whistle chain for officers shall be silver colored metal and for Sergeants and above gilt metal. The chain shall be a snake style.

1047.7 SAFETY EQUIPMENT

1047.7.1 POLICE EQUIPMENT BELT

The Equipment Belt shall be worn by sworn Officers at all times while in uniform. EXCEPTION: Officers assigned to office duties shall wear an approved firearm in a holster and a set of handcuffs. The Equipment Belt must be readily accessible. All required items shall be worn on the Equipment Belt at all times in the manner specified.

1. Material To be 9 10 ounces, top grain cowhide, black basketweave or black nylon basketweave. (Amended 11/5/98, GO# 10-98)
2. Style To be hand stamped basketweave design. Edges to be creased with a #1 creaser and hand burnished to a smooth finish. To be 2 1/4 inches wide with 6 sets of buckle and stud holes in the billet which is to be shaped into an English strap end. To be reinforced with not less than 5 ounces leather sewn into the body darting at the belt hook and extending approximately to the center of the wearer's back. To have a rounded buckle guard 2 5/8 inches wide sewn into the belt which shall extend 2 1/4 inches beyond the hook end. Belt hook to be chrome (North and Judd 614 or equal). Buckle to be chrome colonial type, 2 1/4 inches wide with 2 tongues (North and Judd #44 or equal). Belt stud to be chrome, rounded and riveted on, and sewn into the belt (North and Judd 125 or equal).
3. Stitching To be lock stitched, 6 stitches to the inch, with hot waxed, five cord, linen thread.

1047.7.2 BELT KEEPERS

Four belt keepers shall be worn to hold the Equipment Belt securely on the trouser belt. The belt keepers shall be proportionally spaced with two worn in the front, one in front of the holster, and one in front of the baton holder. The other two belt keepers shall be worn in the back, evenly spaced approximately five inches apart, centered on the back. No equipment shall be worn between the two rear keepers. The keepers shall be positioned on the Belt so that the open end is pointed down. (Amended 11/5/98, GO# 10-98)

1. Material Black basketweave leather or black nylon basketweave.
2. Style 3/4 inch wide strap with two chrome snaps.

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1047.7.3 UNIFORM SUSPENDERS

Uniform suspenders are now authorized for optional use by sworn officers who wear a Sam Brown utility belt. No medical authorization is required. The suspenders shall be worn over the shirt and under the jacket for the purpose of supporting the Sam Brown utility belt.

Uniform Suspenders , Black Nylon

1. Material , Black nylon web
2. Style - 1 inch width with breakaway safety snaps.
3. Fully adjustable "Uncle Mikes" Style

1047.7.4 BATON DEFINITION AND PROPER APPLICATION

The baton is an intermediate police weapon which may be used to safely and effectively control a resistive or assaultive subject who cannot be subdued by the use of unarmed control techniques or to repel multiple attackers. The baton serves as an equalizer when an officer is up against a combatant of superior size, skill or strength and is useful implement for crowd control in tactical situations. Although known to cause injury, the baton is a necessary and valuable tool of law enforcement. With proper application, injury inflicted by its use is likely to be minor. Except under grave circumstances, officers shall avoid intentional strikes to the head, neck or throat, spine, groin and kidneys. Legs, feet, arms, hand, chest, midsection and sides of the rib cage are considered acceptable target areas to strike. Officers using the baton shall apply only that amount of force necessary to overcome the resistance or assault, not to administer physical punishment.

When an officer has used a baton on a subject and that subject displays a visible injury and/or complains of ongoing related pain, that subject shall be taken to a local emergency medical facility for physical examination and any necessary medical treatment prior to booking. Officers shall photograph visible injuries or the lack thereof in cases involving complaints of ongoing pain.

1047.7.5 BATON CARRYING REQUIREMENTS

Only sworn regular and reserve officers may carry a baton. All officers shall receive adequate basic training in its proper use prior to carry in the field. The baton shall be kept in the officer's immediate possession when wearing the duty equipment belt. When wearing the baton on the duty belt it shall be carried either in a black leather or black nylon strapped chromed or black metal ring or a Monadnock brand black plastic swivel type belt holder designed to secure it from accidental loss under physical exertion. The Monadnock Autolock 26" baton may be carried in the Monadnock brand black plastic swivel type belt holder or a black basket weave holder and may be worn on the utility belt anywhere over the officer's hip opposite the holster.

1047.7.6 BATON SPECIFICATIONS

Batons authorized for duty shall meet the following criteria:

1. Batons shall be of straight cylindrical configuration with no external side handles, 1 3/16 to 1 1/4 inches in diameter with round ends presenting no sharp edges. Batons will have no lengthwise grip grooves, no holes through the complete diameter and no thongs attached. Duty batons will be equipped with a black rubber ring or conical shaped grommet affixed by sliding over the outside circumference, positioned 7-8 inches from the "butt" or short end. If a conical grommet is used, it will be placed with the fat or wide diameter portion closest

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to the "butt" end. The grommet serves as both a handgrip and as a means of retaining the baton in its holder. Batons made of plastic or completely synthetic materials are not authorized.

2. Wooden batons shall be 26" in length, weight 14 to 20 oz. and be composed of straight grain hardwood, dark naturally in color or painted/stained non reflective or painted/stained black. Wooden batons shall not be unnaturally loaded or weighted in any manner.

3. Collapsible/expandable batons shall be Monadnock brand, SX-24" or Autolock 26" with safety tip.

The SX-24 shall be constructed of an aluminum knurled grip handle with screw on rounded end cap and internal solid aluminum shaft. The movable solid Shaft shall be equipped with a spring loaded button functioning as a locked open device through a corresponding hole in the grip handle tube. The dimensions of the SX-24 baton shall be: 24 oz in weight, 24" long when expanded and 14" long when collapsed.

The Autolock 26", with safety tip, shall be a 3 stage steel baton with hardened shafts, a reinforced textured hard rubber tip for safety and recessed push button in the end cap which unlocks the shafts and allows the baton to collapse. The handle of the baton shall be of a firm foam grip, and may have a safety cap attached for increased retention.

The dimensions of the Autolock 26" shall be: 22.5 oz. in weight, 26" long when expanded and 9.875" long when collapsed.

1047.7.7 BITE STICK, ANIMAL CONTROL OFFICERS

Animal Control Officers only are authorized to carry the ASP Expandable Baton for use as a bite stick. The Expandable Baton shall be carried in a basket weave holder, worn on the equipment belt.

1047.7.8 BATON RING

The baton ring is worn on the Equipment Belt on the side opposite the holster, in a position which permits the baton to be worn parallel to the side of the body.

1. Material - Black leather or black nylon , 6 - 7 ounces

2. Style - Belt loop to be 3/4 inch wide and 4 1/2 to 5 inches long. to have a chrome or black ring approximately 2 inches in diameter attached at the bottom to hold baton. Finish to be leather basketweave or nylon basketweave.

1047.7.9 CARTRIDGE CASE

One set of double pouch cartridge cases shall be worn on the Equipment Belt. They may be either the drop style, speed loaders, or those designed for pistol magazines. The cartridge case shall be worn on the side opposite the holster, approximately two inches from the belt buckle. The cartridge case shall hold twelve rounds of ammunition, the revolver shall hold twelve (12) rounds, and the 9mm cases, two (2) fully loaded magazines. No extra ammunition cases shall be worn on the equipment belt. Speed loaders must be inspected by the Rangemaster prior to carrying. (Amended 11/5/98, GO# 10-98)

1. Material - Black leather or black nylon, 6 - 7 ounces

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2. Style - Belt loop to be 3/4 inch wide and 4 1/2 to 5 inches long. to have a chrome ring approximately 2 inches in diameter attached at the bottom to hold baton. Finish to be basketweave.

1047.7.10 HANDCUFFS

Handcuffs shall be either Peerless or Smith and Wesson brand. They shall be chrome plated or stainless steel finish, supplied with at least two keys.

1047.7.11 HANDCUFF CASE

Officers shall wear one single or one double handcuff case on the equipment belt. The handcuff case(s) shall be worn centered over the hip pocket(s).

1. Material Black basketweave leather or black nylon basketweave, 6 7 ounces.

2. Style To be so molded as to accommodate either Peerless or Smith and Wesson brand handcuffs. To have a slotted back to fit a standard equipment belt. The flap on the case to be provided with a chrome snap fastener. Officers who wish to carry two pair of handcuffs may purchase the optional double cuff case. Extra handcuffs shall not be carried except in an approved handcuff case.

1047.7.12 HOLSTER

The holster shall be worn on the side for which it was designed, on the thickest portion of the equipment belt which is intended to provide a firm mounting. The official firearm shall be carried in the holster. All holsters shall be approved by the Rangemaster.

1. Material Black leather, basketweave or black nylon basketweave design with chrome snap.

2. Style Revolver: belt holster, front break style, designed to hold the duty weapon securely. No swivel, crossdraw, border patrol, clamshell, or other designs shall be carried.

3. Style 9mm semi automatic pistol: belt holster, border patrol or high rise style with safety strap designed to hold the weapon securely. No swivel, crossdraw, clamshell or other design shall be carried.

4. Style Shoulder holster: after a safety inspection by the Rangemaster and upon approval of the Division Commander, shoulder holsters may be worn when assigned to plain clothes work.

5. Safety Strap The holster is to be equipped with a safety strap capable of preventing accidental cocking or loss of the weapon.

1047.7.13 KEY STRAP AND KEY RING

The key strap may be worn in any position desired on the equipment belt. It must have a handcuff key and a key to the Department attached to the key ring. It is recommended that the key strap be worn over a hip pocket to permit the keys to be kept in the pocket to prevent loss and minimize noise when walking.

1. Material Black leather, black nylon, basketweave design.

2. Style Belt loop to be 3/4 inch wide and 4 1/2 to 5 inches long, to have a chrome spring type snap fastener to hold the key ring securely. The key ring is to be chrome or black plated, 1 inch in diameter.

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1047.7.14 POSSESSION OF DEPARTMENT IDENTIFICATION CARD AND DRIVER'S LICENSE

All on duty personnel will have in their possession their Police Department identification card and valid California driver's license. Any deviation from this requirement will require authorization from the Division Commander.

1047.7.15 MACE/MACE HOLDER

Chemical Mace shall be carried in the approved mace holder and worn on the equipment belt at all times. The mace holder may be worn in any position desired on the equipment belt, so that it is easily accessible. The mace holder shall be black leather, basketweave or black nylon basketweave design. Mace shall be the only type issued by the Department.

1047.7.16 PORTABLE RADIO HOLDER

The portable radio holder shall be worn on the side opposite the holster. It shall be worn on the side between the baton holder and the handcuff case. Portable radio holders shall not be worn on the back of the equipment belt. They shall be black leather or black nylon with a metal clip designed to securely hold the portable radio.

1047.7.17 PROTECTIVE ARMOR VESTS

It is highly recommended that all Officers wear a protective vest while on duty. The Department issues a protective vest to each Officer. They shall be only of a type that has been tested ballistically and approved for law enforcement. Protective vests shall have a scooped neck with protective material front and rear. The ballistic material shall be designed to fit into a cloth vest which has adjustable Velcro-type straps. A fish net or other type of undershirt is recommended for wear under the protective vest.

1047.8 EMBLEMS AND BADGES

1047.8.1 BADGE

The badge assigned to designated personnel shall always be worn while in uniform. The badge shall be attached to the badge holder provided on the outermost garment and shall be clearly visible at all times. Officers carrying concealed weapons in plainclothes, whether on or off duty, shall have the badge in their immediate possession at all times, unless their assignment precludes this as too risky.

The badge shall designate the rank of the employee.

1047.8.2 CAP PIECE

The official cap piece shall be worn with the soft eight (8) point cap or either of the campaign hats at all times.

1047.8.3 IDENTIFICATION CARD

When in uniform, all Officers shall have in their possession the identification card issued to them. Officers working plainclothes assignments shall have identification cards in their possession. Officers carrying concealed weapons in plainclothes, whether on or off duty, shall have the approved identification card in their immediate possession at all times.

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1047.8.4 NAMEPLATE

The nameplate issued to each Officer shall always be worn while in uniform. The nameplate shall be worn on the outermost garment in the manner prescribed and shall be clearly visible at all times. Nameplates for Police Officers shall be made of silver colored metal with blue lettering, two initials and last name. The nameplate shall measure 2 1/2 inches by 5/8 inches, and shall be attached to the uniform by clasp type fasteners. Nameplates for Sergeants and above shall be made of gilt metal with blue lettering.

1. Uniform shirt The nameplate shall be worn centered horizontally over the buttonhole above the right shirt or jacket pocket flap. The bottom edge of the nameplate shall be level and even with the top edge of the pocket flap.
2. Dress Jacket The nameplate shall be worn in the same manner as with the uniform shirt.
3. Nylon Duty Jacket The nameplate shall be worn at all times on the duty jacket when it is the outermost garment.

1047.8.5 DEPARTMENT SHOULDER PATCH

The authorized Department shoulder patch shall be worn on all uniform shirts and jackets. The insignia shall be the City Seal/Santa Barbara Police emblem. The Department shoulder patches shall be placed 1/2 inch below the shoulder seam and shall be centered with the top of the shoulder.

1047.8.6 SERVICE HASH MARKS

Service hash marks shall be worn on the Class "A" uniform long sleeved shirt and on the dress jacket when worn by the sworn employee. Each hash mark shall represent five years of service with a law enforcement agency. The hash mark will be gold in color with a black edge. On both the long sleeved class "A" shirt and dress jacket, the hash mark will be installed one inch up from the cuff on the outer left forearm. Each subsequent hash mark will be installed directly above (towards the elbow) and next to the prior hash mark.

1047.8.7 SPECIALTY ASSIGNMENT INSIGNIA

Officers working in specialty assignments shall wear the approved chevrons. The specialty assignment insignia is a silver metal two stripe chevron, 3/4 inch long by 5/8 inch wide. The chevrons shall be positioned on both sides of the collar so that the center point of the chevron is 2 inches from the collar point and 1 1/4 inches from each edge of the collar.

1047.8.8 TRAFFIC SECTION EMBLEM

Officers assigned to the Traffic Section shall wear the "standard small, gold on black felt, wheel and arrow" emblem on each sleeve of the uniform shift, and the Traffic Accident Investigator(s) shall wear the "standard small, gold on black felt, winged wheel emblem". The traffic emblem shall be positioned so that the top edge of the wheel is 1 inches from the bottom edge of the Department shoulder patch and centered on the patch.

1047.8.9 POLICE K-9 UNIT INSIGNIA

Officers assigned to the K 9 units may wear the authorized K 9 insignia a silver metal German Shepherd dog head encircled by a metal band not to exceed one (1) inch in diameter.

The insignia shall be worn approximately inch above the officer's nameplate on the right breast pocket.

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1047.8.10 POLICE BOMB SQUAD INSIGNIA

Officers assigned to the Bomb Squad may wear the authorized Bomb Squad insignia. The authorized Bomb Squad insignia is described as pewter colored insignia. The insignia is a bomb, mounted on a shield. On both sides of the bomb are lightning bolts. On both sides of the shield is a wreath. On top of the bomb mounted on the shield are the scales of justice. The insignia is 1 inches in width. The insignia shall be worn approximately inch above the officer's nameplate on the right breast pocket.

1047.8.11 DRUG ABUSE RESISTANCE EDUCATION INSIGNIA

Uniformed personnel assigned to teach D.A.R.E. may wear the black and red Santa Barbara Police Department insignia on the left shirt pocket, centered between the top and bottom stitching of the pocket flap.

1047.8.12 SWAT CLOTH INSIGNIA

Uniformed personnel who are currently on the Police Department SWAT Team may wear a cloth insignia on the left side epaulet of the Class A (Duty) uniforms or Class B uniforms or the duty jacket. This cloth insignia will be 1 inches wide with a black background and contain navy blue borders of 1/4 inch. The cloth epaulet insignia will not be worn in conjunction with the metal insignia.

1047.8.13 SWAT METAL INSIGNIA

Uniform personnel who are currently on the Police Department SWAT Team may wear the authorized SWAT insignia on the Class A (Dress) shirt or Class A jacket. The SWAT insignia is silver metal for officers and gold for Sergeants and Staff. Measuring 1 inches in length and 1/2 inch in width.

1047.8.14 CNRT CLOTH INSIGNIA

Uniformed personnel who are currently assigned to the CNRT Team may wear the authorized cloth insignia on the left epaulet of the Class A (Duty) uniform, the Class B uniforms or the duty jacket. This cloth insignia will be 1 inches wide with a black background and contain royal blue borders of 1/4 inch. The cloth epaulet insignia will not be worn in conjunction with the metal insignia.

1047.8.15 CNRT METAL INSIGNIA

Uniformed personnel who are currently assigned to the CNRT Team shall wear the authorized CNRT metal insignia on the Class A (Dress) uniform shirt and/or Class A (Dress) jacket. The insignia consists of the 3/8 inch high letters CNRT in silver metal.

1047.8.16 CSI METAL INSIGNIA

Uniformed personnel who are currently assigned as a Crime Scene Investigator may wear the authorized CSI metal insignia. The insignia consists of the 3/8 inch high letters CSI in silver metal.

1047.8.17 FIELD TRAINING OFFICER INSIGNIA

Officers designated as Field Training Officers may wear the authorized F.T.O. Insignia on the uniform shirt and on the Class A dress jacket. The approved insignia consists of the letters F.T.O. in silver metal, measuring 1 1/2 inches in length, 3/8 inch in width.

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1047.8.18 DRINKING DRIVER TEAM METAL INSIGNIA

Uniformed personnel who are currently assigned on the Drunk Driving Team may wear the authorized DDT metal insignia. The insignia consists of the 3/8 inch high letters DDT in silver metal.

1047.8.19 SCHOOL RESOURCES OFFICER METAL INSIGNIA

Uniformed personnel who are currently assigned as a School Resource Officer may wear the authorized SRO metal insignia. The insignia consists of the 3/8 inch high letters SRO in silver metal

1047.8.20 BEAT COORDINATOR METAL INSIGNIA

Uniformed personnel who are currently assigned as a Beat Coordinator may wear the authorized BC metal insignia. The insignia consists of the 3/8 inch high letters BC in silver metal.

1047.8.21 PLACEMENT OF SPECIALTY PINS, INSIGNIAS, INITIALS: BC, CSI, D.A.R.E., DDT, FTO, SRO

Insignias shall be worn with the Class A (Dress) uniform shirt and/or jacket. They may also be worn with the Class A (Duty) and Class B uniforms and jacket. The pins should be positioned on the right pocket flap centered directly beneath the name plate with the top edge of the pin or insignia aligned with the top of the pocket flap seam.

1047.8.22 PLACEMENT OF THE CNRT AND SWAT SPECIALTY PINS

These pins shall be worn with the Class A (Dress) uniform shirt and/or jacket. The pins should be positioned on the right pocket flap centered directly beneath the name plate with the top edge of the pin or insignia aligned with the top of the pocket flap seam.

1047.8.23 USA FLAG PIN

The approved United States Flag pin may be worn on the left shirt pocket flap in the left quadrant area of the flap approximately " above the bottom edge and " right of the left edge of the flap (as one is looking at the shirt from the front). It should not interfere with the uniform ribbons attached to the upper edge of the flap.

1047.8.24 POSITION RECOGNITION PIN

The position recognition insignia for uniformed civilian personnel shall be as follows:

1. Police/Fire Communications Specialist II Nameplate shall be made of gilt (gold) colored metal with blue lettering. Lettering will include two initials and last name. The title Shift Leader will be centered directly under the name. Insignia will conform to preceding specifications for the following two positions:
2. Police Senior Records Clerk The title Shift Leader will be centered directly under the name.
3. Police Records Supervisor The title Supervisor will be centered directly under the name.

1047.8.25 POLICE MOURNING BADGE BAND

The police badge mourning band may be worn by officers and civilians who are authorized to wear a badge for up to seven days after the death of a Santa Barbara Police Officer in the line of duty and while participating in the funeral services for officers of allied agencies. In

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addition, officers and civilians authorized to wear badges may, at their discretion, wear the mourning band for officers that have died in the line of duty within the State of California, from the date of death to and including the funeral.

The band shall be made of black elastic polyester, 1/2 inch in with and shall be positioned horizontally over the center of the city seal.

The mourning band may be worn on any other occasion as designated by the Chief of Police.

1047.9 RANK INSIGNIA

All members of the Department shall wear the appropriate insignia of rank in conjunction with their uniforms.

1047.9.1 SERGEANT

On shirt and jacket, a three bar cloth chevron, 3 inches high and 2 3/4 inches wide. Chevrons are to be gold and mounted on a black background with 1/8 inch border around the complete border. The chevrons shall be worn on each sleeve of the uniform shirt, dress jacket, and black nylon duty jacket. The top point of the chevron shall be placed 3/4 inch below the bottom edge of the shoulder patch and shall be centered on the patch. Sergeants assigned to the Traffic Section shall wear the "Traffic Section Emblem" (wheel and arrow) below the bottom Sergeant Chevrons. The top portion of the wheel shall be placed inch below the lowest portion of the chevrons and shall be centered on the patch.

1047.9.2 LIEUTENANT

On the shirt, one gold bar, 1/4 X 3/4 inch, shall be worn on each side of the shirt collar in a position with the front edge of the bar 1/2 inch from and parallel with the front edge of the collar. On the jacket, one gold bar shall be worn on each shoulder of the dress jacket or the nylon duty jacket, placed so that the outer edge of the bar is 3/4 inch from and parallel with the sleeve seam. The bar shall be centered directly over the shoulder seam.

1047.9.3 CAPTAIN

Two gold bars, 5/16 X 3/4 inch, shall be worn on each side of the shirt collar in a vertical position 1/4 inch apart. The front edge of the front bar shall be 1/2 inch from and parallel with the front edge of the collar. The bars shall be centered between the top and bottom edge of the collar. On the dress and nylon duty jackets the bars shall be worn on each shoulder with the outer edge 5/8 inch above the sleeve seam. The bars shall be centered over the shoulder seam and shall be parallel to the sleeve seam.

1047.9.4 DEPUTY CHIEF OF POLICE

Three gold stars will be worn in the horizontal position on each side of the shirt collar. One point of each star shall point upwards in such a manner that a line bisecting the center of the stars will be parallel to the front edge of the collar. The stars shall be centered between the top and bottom edge of the collar and the center of the front star shall be three quarters (3/4) inch from the front edge of the collar. Three gold stars shall be worn on each shoulder of the jacket in such a manner that one point of each star points towards the center. The three stars shall be so placed to be evenly spaced between the sleeve seam and the shoulder strap button. All of the stars shall be centered directly over the shoulder seam.

1047.9.5 CHIEF OF POLICE

Four gold stars will be worn in the horizontal position on each side of the shirt collar. One point of each star shall point upwards in such a manner that a line bisecting the center of

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the stars will be parallel to the front edge of the collar. The stars shall be centered between the top and bottom edge of the collar, and the center of the front star shall be three quarters (3/4) inch from the front edge of the collar.

Four gold stars shall be worn on each shoulder of the jacket in such a manner that one point of each star points towards the center. The four stars shall be so placed to be evenly spaced between the

1047.10 OPTIONAL EQUIPMENT

The following items are optional and may be worn or carried at the Officer's discretion. Optional equipment shall be carried or worn only in the manner prescribed. Equipment not specifically listed shall not be carried without the express permission of the Chief of Police.

1047.10.1 FLASHLIGHT HOLDER

The flashlight holder may be worn in any location desired on the equipment belt. It is recommended that it be worn on the side opposite the weapon.

1. Material Black leather, basketweave or black nylon basketweave design.
2. Style Capable of holding a standard flashlight on the equipment belt. Only the leather or nylon loop type or the black metal ring type are authorized.

1047.10.2 HOFFMAN DESIGN "911" RESCUE TOOL

A Hoffman Design "911" Rescue Tool, curved blade knife, having a blade/hook of no more than 2 1/2 inches may be carried. The hook must be sharpened only on the inside portion with a blunt exterior surface. The tool must lock into its extended position.

The "911" Rescue Tool must be carried in an authorized black leather basketweave or black nylon basketweave case and may be worn on the equipment belt in any desired location. The case must have a chrome snap and be of a design capable of securely holding the tool.

1047.10.3 FOLDING KNIVES AND KNIFE CASES

The folding knife in an authorized black leather basketweave or black nylon basketweave case may be worn on the equipment belt in any location desired. A folding knife with a blade length no more than 4 inches may be carried. The knife must have a locking blade. No straight blade knives are allowed. The knife case must have a chrome snap and be of a design capable of securely holding the knife.

1047.10.4 MICROCASSETTE RECORDER HOLSTER

The Department issued optional Microcassette Recorder Holster may be worn on the equipment belt in any location desired. The holster is black basketweave leather or black nylon basketweave with a chrome snap to secure the recorder.

1047.10.5 GLOVES

Leather gloves are authorized for all Officers for warmth, etc. They are to be black wrist length, and without gauntlets or adornment. Gloves shall be worn by Motor Officers while operating a motorcycle. Weighted or "sap gloves" are prohibited. Any glove which interferes with an Officer's ability to shoot his service revolver is prohibited.

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1047.10.6 PROHIBITED EQUIPMENT

Any equipment item, particularly weapon or restraint, not specifically approved by the Chief of Police or authorized by this regulation is prohibited. This includes, but is not limited to, saps, billies, flat slappers, brass knuckles, etc.

1047.10.7 RIPP HOBBLE LEG RESTRAINING

The RIPP HOBBLE manufactured by RIPP Restraints, Inc, Orange City, Florida is the only leg restraint authorized for use. The "Ripp Hobble" is 36" in length and 1" wide, made of polypropylene web belt. Officers shall only use the Ripp Hobble restraint authorized by the Department; it may be purchased and carried as optional equipment.

The Santa Barbara Police Department Policy & Procedures Manual, §306 , Leg Restraint, describes the authorized procedures for utilizing the leg restraint. Officers shall read and be familiar with this policy before carrying a leg restraint on duty. Officers shall use the device in conformance with Department policy.

1047.11 CLASSIFICATION OF UNIFORMS

The Watch Commanders shall designate the authorized uniform of the Day for each respective Watch. The Uniform of the Day will be selected with regard to weather conditions, time of day, and consensus of Watch personnel. The Uniform of the Day shall be designated and posted at least 1/2 hour prior to the start of each shift. The designated uniform shall be worn by all members of the Watch. The Watch Commander may designate the uniform as long sleeved shirts with neckties or short sleeved shirts with open collars. All personnel shall maintain a complete set of each type at all times.

1047.11.1 CLASS A UNIFORM (DRESS)

The Class A (Dress) uniform is designated as the formal dress uniform of the Santa Barbara Police Department and should be worn for funerals, formal inspections and as designated by the Chief of Police. The Class A (Dress) uniform shall consist of the following.

1. Headgear soft eight (8) point cap
2. Shirt long sleeved
3. Necktie
4. Tie bar
5. Belt
6. Equipment belt with regulation leather gear and required equipment
7. Trousers
8. Socks
9. Shoes low quarter, ankle high, or boots (specified per §1047.51) (AMENDED 12/14/98, GO# 11-98)
10. Jacket Dress Jacket
11. Badge
12. Nameplate

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13. The SWAT and CNRT metal insignia as described in section 1047.64 (i) and 1047.65 (k) respectfully should be worn as outline in these before mentioned sections.

The Class A (Dress) uniform shall be worn for formal inspections, funeral honor guards, VIP escorts, public speaking engagements, and other special events as directed by the Chief of Police. The Class A (Dress) uniform may be worn for general duty.

All articles of uniform clothing shall be worn as designed by the manufacturer, and no individual modifications shall be made other than normal alterations.

Long sleeved shirts shall be buttoned at the cuff at all times and will not be rolled up or rolled under. They shall be buttoned at the collar at all times with the necktie in place. All pockets on jackets, shirts, and trousers will be buttoned and snapped. No articles will be carried in any uniform shirt pocket other than a pen and pencil and Department field notebook for duty use. No large or bulky articles shall be carried in the front trouser pockets. Belt buckles shall be centered. The equipment belt shall completely cover the trouser belt.

Shoes, cap visors, and leather gear shall be highly polished. Articles made of metal shall be clean, highly polished, and free of excessive scratches. Clothing shall be tailored to the body, neither loose enough to be baggy nor tight enough to pull the fabric.

1047.11.2 FUNERAL OR OTHER FORMAL CEREMONY UNIFORM

During funerals or other formal ceremonies, designated personnel shall wear the Class A (Dress) uniform and dress jacket without leather gear.

In addition, certain personnel may be designated to wear a lanyard or lanyard and white gloves. These personnel will generally be assigned as honor guard and pallbearers, or Department Staff Officers, or others as designated by the Chief of Police.

1. The lanyard shall be single braid and white in color, worn on the left shoulder.
2. The gloves shall be white nylon with snap, parade gloves.

1047.11.3 CLASS A UNIFORM (DUTY)

The Class A (Duty) uniform is designated as the long sleeve working uniform of the Santa Barbara Police Department. The Class A (Duty) uniform is the same uniform as the Class A uniform (Dress) with following exceptions.

1. The Campaign Hat is optional headgear
2. The Class A (Dress) Jacket is replaced with the nylon duty jacket.

The SWAT & CNRT metal insignias will not be worn with this Class A uniform (Duty) but will be replaced with the SWAT & CNRT cloth insignias.

1047.11.4 CLASS B UNIFORM (GENERAL DUTY)

The Class B uniform is designated as the regular Police working uniform to be worn by all officers for general duty. The Class B uniform shall consist of the following:

1. Campaign Hat or Soft Eight-Point Cap , may be worn at discretion of individual officers with consideration of weather (inclement, sun, etc.)
2. Shirt long sleeved or short sleeved (long sleeved shirt may be worn either with a black turtleneck or a tie and tie-bar)

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3. Belt
4. Equipment belt regulation leather or black nylon basketweave gear and required equipment
5. Trousers
6. Socks
7. Shoes low quarter, ankle high, or boots
8. Jacket black nylon duty jacket (optional)
9. Badge
10. Nameplate
11. T shirt (white) , White collar t-shirt with round reinforced crew neck collar
12. General Duty Helmet , may be authorized for optional wear during special events or tactical situations by the Events Commander.

The Class B uniform is designated as the basic uniform for field duty. All personnel shall wear the Class A or B uniform for general duty unless otherwise accepted by the Chief of Police.

All articles of uniform clothing shall be worn as designed by the manufacturer, and no individual modifications shall be made other than normal alterations.

Long sleeved shirts shall be buttoned at the cuff at all times and will not be rolled up or under. Long shirts shall be worn with a closed collar and a tie. Short sleeved shirts shall be worn with a round crew neck white T shirt when the collar is open. No chains, necklaces, etc. shall be visible. The black nylon duty jacket is the only jacket authorized to be worn with the Class B uniform. It shall be worn complete with cloth badge and name tag, Department shoulder patches, and appropriate rank insignia.

The helmet shall be carried in the vehicle at all times and be available for use. The soft eight (8) point cap or campaign hat can be worn at discretion of individual officers.

1047.11.5 CLASS C UNIFORM (INCLEMENT WEATHER / RAIN GEAR)

The Class C uniform shall consist of the following:

1. Head gear- regulation soft eight (8) point cap with clear plastic rain cover or blue felt or black straw campaign hat with clear plastic rain cover, or black baseball cap with inch white lettering stating "Santa Barbara Police."
2. Raincoat , regulation Department issue, yellow or blue "Airweave" fabric with blue or white lettering "POLICE" on the back and blue or white badge printed on the left breast.
3. Rain trousers - regulation Department issue, yellow or blue "Airweave" fabric. Wearing of rain trousers is optional.
4. Shirt - long or short sleeve, navy-blue wash and wear with cloth nametag and Department shoulder patches. The shirt shall be either the Conqueror Regulation Tropical Form Fit 55/45 Dacron polyester/ rayon, or the Special Duty Tropical by Elbeco, 65/35 Dacron polyester/avril rayon. Either may be washed in cold water without bleach.

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5. The shirt and specific brand apparel is Flying Cross all weather deluxe tropical 65% Dacron Polyester, 35% Avril Rayon (LAPD Blue) Perma Press.

6. Monogramming on the collars of the Class C shirts the insignias for Police Officer II and Lieutenant through Chief. Thread color specifications are: Police Officer II Silver- Madeira #1087; Lieutenant through Chief, Gold- Elochel E73. Note Police Officer II's have the option of wearing the metal or monogrammed insignia.

7. Trousers - 65/35 polyester/cotton Tactical Trousers (BDU Style) Dark Navy Blue six pocket with sap pocket. Tactical trousers shall not have leg draw strings for blousing.

8. Tactical Trousers - 65/35 polyester/cotton Tactical Trousers (BDU Style) Dark Navy Blue six pocket with sap pocket. Tactical trousers shall not have leg draw strings for blousing.

9. Shoes - low quarter, ankle high, or boots (specified per 1047.51). Black rubber rain boots may be worn but are not recommended for regular use.

10. Equipment Belt- regulation leather or black nylon basketweave gear and required equipment.

The Class C uniform shall be worn by all personnel during rainy conditions. The Watch Commander shall designate the Class C uniform as the Uniform of the Day when weather conditions necessitate a deviation from the Class B uniform.

When the Class C uniform is designated as the Uniform of the Day, all personnel of a Watch shall wear it in the prescribed manner. No modifications or deviations shall be permitted.

1047.11.6 CLASS D UNIFORM (SPECIAL DUTY)

The Class D Uniform is designated as a special duty uniform and may be worn in place of a class A or class B uniform in a casual instructional setting such as the Citizen Academy, in-house hosted training, and academy instruction and such.

1. Shirt , Navy Blue wash-and-wear, "Outer Banks" Polo style shirt, combed cotton. The front shall have the officer's first initial and last name embroidered over the right breast in " block lettering. The officer may have his/her title or assignment embroidered under the name in the same color and style of lettering.

The Santa Barbara Police Department badge shall be embroidered over the left breast with "POLICE" in 1" block lettering underneath the badge. The lettering shall be white for officers and gold for Sergeants and Staff.

The back of the shirt shall have "SANTA BARBARA POLICE" in block lettering. SANTA BARBARA shall be 2" lettering centered over POLICE which shall be 3 " lettering. The lettering shall be gold.

2. Pants , Khaki colored casual dress pants.

3. Shoes , Black or brown business footwear.

1047.11.7 CLASS E UNIFORM (BEACH-FOOT PATROL) BEACH GEAR

The Class E Uniform shall consist of the following:

1. Headgear: Approved safety helmet with cover. (Headgear not required during plain clothes detail.)

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2. Shirt: Class MOCEAN Velocity Bicycle Patrol Shirt (Model 0254Z, with silver, reflective "POLICE" stenciled on the rear) in Police Navy Blue with Class C patch and name tape configuration, as defined in section 1047.74 of the Department Manual.

3. Shorts: MOCEAN Velocity Bike Short (Models 1050 or 1051) in Police Navy Blue.

4. Footgear: Black leather low cut sport shoes or black leather/nylon bicycling shoe, worn with white crew socks, without stripes.

5. Equipment Belt: Regulation leather or black nylon basketweave gear and required equipment. The "Michaels of Oregon" Black nylon duty belt with required equipment is authorized for use by the Tactical Patrol Force as a duty belt. The belt will be the "Deluxe" style along with the standard Cordura/nylon duty holster.

6. Optional Equipment: Jacket: MOCEAN Standard Jacket (Model 6050 with silver, reflective "POLICE" stenciled on the rear) in Black with Class C patch and name tape configuration, as defined in Section 1047.74 of the Department Manual." And "Pants: MOCEAN Velocity Bike Pants (Model 2150) in Police Navy Blue.

Pants - MOCEAN Velocity Bike Pants (Model 2150) in Police Navy.

1047.11.8 CLASS G UNIFORM (SPECIAL ENFORCEMENT TEAM)

The Class G Uniform shall consist of the following:

1. Shirt , Navy blue wash and wear, "Outer Banks" shorts or long sleeved Polo style shirt, combed cotton or cotton polyester blend. The front shall have the officer's name embroidered over the right breast in " block lettering.

The Santa Barbara Police Department badge shall be embroidered over the left breast with "POLICE" in 1" block lettering underneath the badge. The lettering shall be white for officers and gold for Sergeants and Staff.

The back of the shirt shall have "SANTA BARBARA POLICE" in block lettering. SANTA BARBARA shall be 2" lettering centered over POLICE which shall be 3 " lettering. The lettering shall be gold.

2. Pant , shall be the Tactical trousers 65/35 polyester/cotton Tactical Trousers (BDU Style) black, six pocket with sap pocket. Tactical trousers shall not have leg draw strings for blousing.

3. Footwear - Black athletic shoes worn with white or black crew socks.

4. Equipment Belt - The "Michaels of Oregon" black nylon duty belt with required equipment. The belt shall be the "Deluxe" style along with the Cordura/nylon holster.

5. Jack - For cold/wet weather the black "Hartwell Viasport" jacket with "Polarfleece" lining. Wash and wear. The shell is nylon with polyester lining. Lettering and badge are applied as described for the S.E.T. shirt.

For cool weather the navy blue Auburn Sportswear the navy blue "Auburn Sportswear" windbreaker style jacket with white fleece lining. The shell is nylon with polyester lining. Lettering and badge are applied as described for the S.E.T. shirt.

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1047.11.9 CLASS H UNIFORM (K-9 HANDLER)

1. Shirt- long or short sleeve, navy-blue wash and wear with cloth name tag and Department shoulder patches. The shirt shall be either the Conqueror Regulation Tropical Form Fit 55/45 Dacron polyester/ rayon, or the Special Duty Tropical by Elbeco, 65/35 Dacron polyester/ avril rayon. Either may be washed in cold water without bleach.
2. The shirt and specific brand apparel is Flying Cross all weather deluxe tropical 65% Dacron Polyester, 35% Avril Rayon, (LAPD Blue) Perma Press.
3. Monogramming on the collars of the Class C shirts the insignias for Police Officer II and Lieutenant through Chief. Thread color specifications are: Police Officer II Silver- Madeira #1087; Lieutenant through Chief, Gold- Elochel E73. Note Police Officer II's have the option of wearing the metal or monogrammed insignia.
4. Trousers- navy blue wash and wear. The trousers shall be either the Fechheimer Bros. Co. 55/45 Dacron polyester/ rayon, or Pre-Tu-Last 55/45 Dacron polyester/rayon, or the Tactical Trouser (specified per 1047.71)
5. Shoes - low quarter, ankle high, or boots (specified per 1047.51)
6. Equipment Belt - regulation leather or black nylon basketweave gear and required equipment, or The "Michaels of Oregon" black nylon duty belt with required equipment. The belt shall be the "Deluxe" style along with the Cordura/nylon holster.

1047.11.10 CLASS J UNIFORM (OPTIONAL SWORN PERSONNEL UNIFORM)

The "Class J Uniform" may be worn by sworn personnel at the discretion of the Division Commander. The Class J Uniform may not be worn by field officers whose primary assignment involves patrol duties or field enforcement.

1. UNIFORM SHIRT The uniform shirt shall be short or long sleeved "5.11 Tactical Series" or similar if no longer available.
 - a. Material - 100% cotton pique knit
 - b. Style "5.11 Tactical Polo"
 - c. Color Dark Navy
 - d. Insignia - The front shall have the employee's title ("OFFICER", "DETECTIVE," "SERGEANT," etc) over the right breast in inch block style embroidered lettering. 1/4 inch below the title shall be the employee's first initial and last name in inch block style embroidered lettering. The Santa Barbara Police Department badge shall be embroidered over the left breast with "POLICE OFFICER" in the top ribbon of the badge. inch below the badge, in 3/4 inch block style 3/4 inch embroidered lettering, will be the word "POLICE". The lettering for the "employee's title", "first initial and last name" and the word "POLICE" shall be silver colored for officers or detectives, and gold colored for supervisors and managers. No rank insignia shall be worn on the sleeves or collars of uniform shirts. The shirt shall not have any lettering on the back of the shirt.
2. UNIFORM TROUSER The uniform trouser shall be "Original 5.11 Tactical Series."
 - a. Material " 100% cotton canvas.
 - b. Style 5.11 Tactical Series Pant

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c. Color - Khaki

d. Variations of the trouser may be authorized by the division commander based on the needs of the employee's job functions.

3. UNIFORM SHOES Shoes shall be black in color and of professional appearance. Tennis shoes or other similar athletic type shoes shall not be worn.

4. T SHIRT A white or black color t-shirt with round reinforced crew neck collar may be worn under the uniform shirt.

5. UNIFORM BELT a. Color - Black b. Material - leather or nylon c. Width - not to be less than one inch or more than two inches

1047.11.11 OPTIONAL CIVILIAN PERSONNEL UNIFORM

The following sections outline the optional uniform standards that civilian personnel may wear as authorized by his/her division commander

1. UNIFORM SHIRT The uniform shirt shall be short or long sleeved "5.11 Tactical Series" or similar if no longer available. a. Material - 100% cotton pique knit (blue), Poly/Cotton Blend (grey)b. Style , 5.11 Tactical Polo (blue), Port Authority or Similar Polo Shirt (grey)a. Color

1. Royal Blue or similar (Academy Blue) for Parking Enforcement, Rangemaster, Animal Control and Police Technicians.

2. Steel Grey or Similar Color for all other civilian employees.

b. Insignia - The front shall have the employee's first initial and last name in " block style embroidered lettering. The Santa Barbara Police Department badge shall be embroidered over the left breast with "POLICE SERVICES" in the top ribbon of the badge. " below the badge, in ¾" block style embroidered lettering; will be the word "SERVICES". Upon the division commander's approval, the employee's detail section may be substituted in lieu of "SERVICES". The lettering for the, "first initial and last name" and the word "SERVICES" shall be silver in color and gold in color for civilian supervisors and managers. The shirt shall not have any lettering on the back of the shirt.

c. Optional Turtleneck Undershirt. Uniformed civilian employees shall be authorized to wear a black turtleneck undershirt. The undershirt shall be optional and only worn under the civilian polo shirt.

1. Material 50/50 polyester

2. Color Black without design(s)

3. Style Plain Long-sleeve Current civilian authorized shirt wear (Navy Blue Academy Blue) will be prohibited following January 1, 2010 December 31, 2012 and the above uniform polo shirt will be the only authorized shirt for all non-sworn uniform staff with the exception of Parking Enforcement Officers, Rangemaster, Animal Control and Police Technicians.

2. UNIFORM SHIRT , PARKING ENFORCEMENT OFFICER, RANGEMASTER, ANIMAL CONTROL, AND POLICE TECHNICIAN

The uniform shirt shall be short or long sleeved "5.11 Tactical Series" or similar if no longer available. a. Material - 100% cotton pique knit b. Style , 5.11 Tactical Polo c. Color , Royal

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Blue or similar (Academy Blue) d. Insignia - The front shall have the employee's first initial and last name in " block style embroidered lettering. The Santa Barbara Police Department badge shall be embroidered over the left breast with "POLICE SERVICES" in the top ribbon of the badge. " below the badge, in $\frac{3}{4}$ " block style embroidered lettering; will be the word "SERVICES". Upon the division commander's approval, the employee's detail section may be substituted in lieu of "SERVICES". The lettering for the, "first initial and last name" and the word "SERVICES" shall be silver in color and gold in color for civilian supervisors and managers. The shirt shall not have any lettering on the back of the shirt.

1047.12 RIBBONS AND AWARDS

The Chief of Police has authorized the issuance and wearing of military style ribbons that signify an Officer, Reserve Officer or Civilian employee has been awarded recognition for performance of duty, longevity, and/or shooting proficiency. The awards are identified as the H. Thomas Guerry Award For Valor; the Santa Barbara Citizens Council on Crime Award for Conflict Resolution; the Santa Barbara Citizens Council on Crime Award for Outstanding Performance; the Chief of Police Meritorious or Distinguished Service Citation; Law Enforcement Longevity/Service Award; and Shooting Qualification/Proficiency Award.

Any of the listed awards that have been issued to an Officer, Reserve Officer or Civilian must be supported by a citation or record of achievement that will also be placed in the Officers personnel file for verification and authorization to wear the award on the department uniform

1047.12.1 WEARING OPTION: PERMISSIVE / MANDATORY

Wearing of Department ribbons by Department personnel is mandatory with Class A (Dress) uniform (with or without Class A jacket). Wearing of Department ribbons is permissive and not mandatory with Class A (Duty) and Class B uniforms.

1047.12.2 RIBBON POSITIONS ON THE UNIFORM

Ribbons and awards are traditionally worn on the left breast of the uniform. Awards for valor on a frame of multiple ribbons are customarily worn nearest the heart. Since we wear a Badge on the left side, the ribbons should be worn directly under the Badge on the pocket flap with the top edge of the ribbons parallel to the seam of the pocket flap and centered left to right.

1047.12.3 UNIFORMS ON WHICH RIBBONS MAY BE DISPLAYED

Officer (or Reserve) elects to wear any Department ribbons he/she has been awarded, the ribbons may be worn on either the Class A jacket; the Class A long sleeve shirt; or the Class B short or long sleeve uniform shirt.

Civilians who elect to wear the Longevity/Service Ribbon may wear the ribbon on the short or long sleeve uniform shirt or on the left breast pocket area of any uniform outer garment

1047.12.4 WEARING/DISPLAYING RIBBONS (LOCATION/ARRANGEMENT)

All ribbons awarded to an Officer, Reserve or Civilian shall be worn directly beneath the Police badge, on the left pocket flap, with the top portion of the ribbon parallel with the top edge of the pocket seam and centered between the right and left corners of the pocket. Ribbons will be arranged on the ribbon bars in the following order:

The most prestigious beginning left to right (facing the wearer), top to bottom, centered. Example: (Top row) H. Thomas Guerry Award for Valor; Chiefs Meritorious Citation; Santa Barbara Citizens Council on Crime Award for Conflict Resolution; (bottom row) Santa

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Barbara Citizens Council on Crime Award for Outstanding Performance; Longevity Award; and the Department Shooting Award

1047.12.5 ATTACHEMENTS FOR SECOND AWARDS

Officers who receive a second award of the Guerry Award, the SBCCC Awards or the Chiefs Meritorious Citation are authorized to attach a 3/16" silver star to the center of the ribbon denoting the second award of the ribbon (in lieu of wearing two of the same ribbons).

1047.12.6 H. THOMAS GUERRY AWARDS

The H. Thomas Guerry Award for Valor, the Santa Barbara Citizens Council on Crime Awards for Conflict Resolution and Outstanding Performance are awarded each year by the Citizens Council on Crime to Officers who are nominated and approved for the award. All the awards are a lacquer finished ribbon, however, the only ribbon authorized to be worn on the police uniform is the cloth military type described in this section.

1047.12.7 H. THOMAS GUERRY AWARD FOR VALOR

Solid black cloth (standard military type) ribbon with a bright gold metal frame.

This ribbon will always be worn at the top or first in line (left) of any other ribbons (nearest the heart) because of its distinction.

1047.12.8 CHIEF OF POLICE MERITORIAOUS/DISTINGUISHED SERVICE CITATION

Gold/royal-blue/gold/royal-blue/gold/royal-blue/gold/royal-blue/gold in color, cloth (standard military type) ribbon.

This ribbon is awarded for conduct and actions above and beyond the call of duty that do not meet the criteria of the HTG Award for Valor or other classifications. It is awarded at the discretion and authorization of the Chief of Police for other acts of bravery, performance, community service (on or off duty) or for whatever the Chief of Police deems appropriate. It may be awarded at any time throughout the calendar year at the convenience of the Office of Chief of Police.

1047.12.9 SANTA BARBARA CITIZENS COUNCIL ON CRIME AWARD FOR CONFLICT RESOLUTION

Red, white, and blue in color, cloth (standard military type) ribbon.

This ribbon was phased out in 2003, however anyone issued this ribbon prior to 2003 will be allowed to wear it until he/she retires or leaves SBPD.

1047.12.10 SANTA BARBARA CITIZENS COUNCIL ON CRIME AWARD FOR OUTSTANDING/SUPERIOR PERFORMANCE

Solid navy blue in color, cloth (standard military type) ribbon.

This award will be discontinued in 2003 and the category of Outstanding Performance will be come obsolete. Anyone issued his ribbon prior to 2003 will be allowed to wear it until he/she retires or leaves employment with the SBPD.

In 2003 the Citizens Council on combined the award for Outstanding Performance and the award for Conflict Resolution into one award to create the award for Superior Performance.

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The ribbon for this category will remain the same as the one for Outstanding Performance, dark navy blue.

1047.12.11 LAW ENFORCEMENT SERVICE/LONGEVITY RIBBON

Red/white/blue/gold/blue/white/red, cloth (standard military type) ribbon.
(Sworn/Reserve/Civilian)

This award is issued to any sworn, reserve or department civilian employee who is required to wear a Department approved service uniform. It may also be issued to other civilian employees at the discretion of the Chief of Police. Any full year or years of service with a bona fide police agency (federal, state, municipal) and any subsequent years with the Santa Barbara Police Department will qualify the issuance of this award for cumulative total years. Application for consideration may be made to the Chief of Police in writing for an employee to be considered for prior service at another agency.

The ribbon will be issued to all Officers, Reserve Officers and Civilian employees (i.e. Communications, Records, Parking Control Specialists, etc.) after the first year of service and successful completion of the Probationary period. After that, a 3/16" gold star will be awarded for every five years of service up to an including (20) years of service (or four gold stars). (At the completion of 4 years of service an employee may be authorized to add the next 5th year star).

On the 25th. anniversary of an employees hiring date or total cumulative service of 25 years, the four small gold stars will be exchanged for one large 5/16" gold star. For 30 years a second 5/16" gold star will be added; three gold stars for 35 years and four gold stars for 40 years of service or more. (Note: The sworn employee shall also wear hash marks on the left forearm sleeve of the Class "A" long sleeve shirt and dress jacket, one for each five years of service.)

1047.12.12 DEPARTMENT SHOOTING QUALIFICATION/PROFICIENCY RIBBON

The Department Range Master will conduct a Qualification/Proficiency Shoot in January of each calendar year. The results will be recorded and the Business Office will be notified of the Officers shooting score (Personnel File).

There are five classifications:

- Qualified 380 to 399 (no ribbon)
- Sharpshooter 400 to 469 (Blue/White/Red/Gold/Red/White/Blue)
- Expert 470 to 484 (Blue/Gold/Blue)
- Master 485 to 500 (Red/Gold/Red)
- Distinguished Master 485 to 500 (5/16" Silver Star on Master Ribbon)

To be a Distinguished Master Shooter the officer must shoot 485-500 for three (3) consecutive years or the average of the last three shooting years.

An Officer will be allowed to wear the ribbon received in the Department January Qualification Shoot for that total calendar year and until the next Qualification Shoot. The ribbon will be of the type he/she qualified for (i.e. Sharpshooter, Expert, Master, and Distinguished Master). No ribbon will be issued for those shooting in the qualified division. An Officer who does not qualify will have to retest until he/she qualifies. If the Officer qualifies as a Distinguished Master, a 5/16" Silver Star will worn in the center of the Master shooting ribbon.

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1047.12.13 SERVICEABILITY/REPLACEMENT

Whenever a ribbon or its mounts and attachments become worn, soiled, lost, damaged, destroyed or otherwise unserviceable for wear, it shall be replaced immediately by purchasing another from the Business Office. It will be the Officers responsibility to pay for the purchase of replacement ribbons, attachments, and mounts or additional ribbons.

1047.12.14 PROCUREMENT/MAINTENANCE OF RIBBON SUPPLIES

It will be the responsibility of the Business Office to procure, maintain and replace adequate stock of all ribbons, mounts, and attachments to be issued to employees.

1047.13 CIVILIAN UNIFORM - MALE/FEMALE

The items in this section shall constitute the uniform for Police/Fire Communications Specialist I, Police/Fire Communications Specialist II, Police Records Clerk, Police Senior Records Clerk, Parking Collection Clerk, Parking Enforcement Officer, Police Property/Evidence Specialist, Police Crime Analyst Specialist, Police Range/Supply Specialist. The approved uniform shall be worn in the manner prescribed at all times while on duty.

Uniformed civilians shall present a neat, clean and professional appearance while on duty. All leather gear shall be kept dyed and polished, and shoes shall be shined. All metal items shall be clean and polished. No protruding or bulging objects shall be carried in the pockets of the uniform. No unauthorized ornamentation such as earrings, necklaces, bracelets, or large conspicuous rings shall be worn when assigned to field duties. A white, round crew neck T shirt shall be worn by male employees at all times when the short sleeved uniform shirt is worn with an open collar.

1047.13.1 OFFICE PERSONNEL (CIVILIAN)

Civilian clothing worn by an employee while on duty shall be appropriate to the assignment. Clothing shall be in good taste, to present a neat, clean, business like professional appearance. No extreme styles shall be permitted.

1047.13.2 JACKETS

Duty Jacket (Possession Optional) black nylon with detachable pile collar. Two patch pockets with flaps and snaps at each point. Waistband, reinforced with pella, shirred on sides. Badge holder. No epaulets. Wearing of the duty jacket is optional. When the duty jacket is worn, the regulation necktie shall be worn at all times and the duty jacket shall be complete with Department shoulder patches, badge and nameplate. Male/Female.

1047.13.3 SWEATER

Navy blue, 100% wool or acrylic, or acrylic blend plain cardigan style. Not to be worn with a jacket. Male/Female.

1. Dress Jacket (Possession Optional) navy blue, 65/35 polyester rayon; four button front, tailored, single breasted blazer style, two (2) lower slanted pocketflaps with single buttons; fully lined with (1) interior pocket. Wearing of the dress jacket is optional Male/Female.

2. Nylon Jacket (possession optional) - black nylon, lined, windbreaker style with elastic cuffs, snap front closures, spread collar, two front slash style pockets and drawstring waistband. The jacket will have silk-screened identification on the front and back. On the left front, in lieu of the badge, in a circular pattern the words "Santa Barbara Parking Enforcement" will be in 1/2 inch white letters. The word "Police" will be horizontally placed

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centered within the circular pattern in 1/2 inch white lettering. The back of the jacket will have the words "Parking Enforcement" in white 1 1/4 inch letters stacked one above the other and centered 7 1/2 inches down from the collar.

1047.13.4 NON-SWORN UNIFORM SHIRT

1. White police shirt. Long and short-sleeved; 65/35; dacron/avril rayon; permanent press. Two flap pockets, badge holder, epaulets. When the long sleeved shirt is worn, the regulation necktie shall be worn at all times. The uniform shirt shall be worn complete with Department shoulder patches, badge and nameplate. When the short-sleeved shirt is worn with the duty jacket, the regulation necktie shall be worn at all times.

2. Civilian Polo Shirt, Navy Blue wash and wear, "Outer Banks" short or long sleeved Polo style shirt, combed cotton or cotton polyester blend. The front shall have the employee's first initial and last name embroidered over the right breast in white "block" lettering, and the civilian employee may have their title or assignment embroidered under the name in the same style lettering.

The Santa Barbara Police Department badge shall be embroidered over the left breast with "SERVICES", "RANGEMASTER" or "PROPERTY OFFICER" in the top ribbon of the badge. Below the badge, in 1" white block style embroidered lettering, will be the word "POLICE".

The civilian polo shirt shall not have any lettering on the back of the shirt.

All civilian employees who are required or authorized to wear a uniform, and who work primarily within the confines of the Police Department building may elect to wear this polo shirt. Uniformed civilian employees, such as Parking Enforcement Officers, who work primarily outside of the Police Department building, are not authorized to wear the civilian polo shirt.

1047.13.5 NON-SWORN UNIFORM TROUSER/SKIRT

Option of the following uniform trousers, or skirt for females:

1. Blue 100% Wool.
2. Navy Blue, 100% textured Dacron Polyester. Two-inch waistband with belt loops, French fly front. Hook-and-eye waistband closure, straight pocket on right and left side seams, two
3. Property Officers and Range Master may wear the Tactical Trousers (BDU Style) Refer to 1047.41 for trouser specification.

1047.13.6 STOCKINGS/socks

Socks will be solid black or navy blue, no design. Natural color nylon stockings will be worn with skirts.

1047.13.7 NECKTIE

1. Black cross-over type to be worn in conjunction with the skirt and black pumps (Female).
2. Black, four-in-hand type made of rayon and acetate worsted fabric. Style is to be a double Windsor, breakaway style (Clip-on), not to exceed 3 inches at the widest point. Necktie is to be worn in conjunction with trousers (Male/Female). Necktie shall be worn at all times with the long-sleeved shirt. It shall be fastened to the shirt with the regulation tie bar.

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1047.13.8 TIE BAR

The tie bar shall be worn horizontally with the bottom edge of the tie bar level with the bottom points of the pockets of the uniform shirt. Tie bar shall be plain metal, 3/8" wide and 2 1/2" long, to fit the width of the necktie. Tie bars for all uniformed civilian positions shall be plain silver colored metal. Records Supervisor, and Communications Shift Leaders and Records Senior Clerks tie bars shall be plain gilt (gold) metal.

1047.13.9 OPTIONAL TURTLENECK UNDERSHIRT

Uniformed civilian employees shall be authorized to wear a white turtleneck undershirt. The Undershirt shall be optional and is to be worn only under the uniformed long-sleeve shirt, without the necktie. (AMENDED 1/11/95, GO#2-95)

1. Material 50/50 polyester
2. Color White without design(s)
3. Style Long-sleeve, with elastic neck and cuffs.

1047.13.10 BELT

Black basketweave leather, not less than 1 inch or more than 2 inches with straight type end, with plain chrome buckle.

1047.13.11 WHISTLE

(Optional) Parking Enforcement Officers may carry a whistle on a key ring at all times while on duty.

1047.13.12 KEY STRAP

(Optional) black basketweave leather; 3/4" wide, 4 1/2 to 5" long; with chrome plated key ring, one inch in diameter; worn on belt.

1047.13.13 SHOES

Black; center laced; high or low cut; military or plain tip toe; smooth finish, leather or corfram, able to take a high shine; no ornamentation. No boots; Male/Female. Plain black pumps with heels no higher than two (2) inches, with trousers or skirt; Female.

1047.13.14 NAMEPLATE

Nameplates for all uniformed civilian positions shall be made of silver colored metal with blue lettering, two initials and last name. Records Supervisor, and Communications Shift Leaders and Records Senior Clerks nameplates shall be made of gilt metal with blue lettering. Position title will be centered below the name as defined in Section 1047.64. Nameplate shall be worn on the outermost garment at all times, centered horizontally over the right shirt or jacket pocket, the bottom edge level and even with the top edge of the pocket flap.

1047.13.15 BADGE

When in uniform the badge shall be worn on the outermost garment attached to the badge holder and shall be clearly visible at all times.

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1047.13.16 IDENTIFICATION CARD

When on duty, all uniformed civilians shall have in their possession the identifications cards issued to them.

1047.13.17 CIVILIAN CLASS A UNIFORM (DRESS)

The Class A uniform is designated as the formal dress uniform of the Santa Barbara Police Department. The Class A uniform shall consist of the following:

1. Shirt long sleeved
2. Necktie
3. Tie bar
4. Belt
5. Trousers , male or female
6. Skirt (with belt, no pants skirt) female
7. Shoes , male or female
8. Black pumps with no higher than 2" heels, with nylon stockings; to be worn with skirt or trousers - female
9. Badge
10. Nameplate

The Class A uniform shall be worn for formal inspections, funeral honor guards, VIP escorts, public speaking engagements, and other special events as directed by the Chief of Police. The Class A uniform may be optionally worn for general duty.

1047.13.18 CIVILIAN CLASS B UNIFORM (GENERAL DUTY)

The Class B uniform is designated as the regular working uniform to be worn by all uniformed civilians for general duty.

1. Shirt , long-sleeved white uniform shirt with tie, short-sleeved white uniform shirt, or, for the authorized personnel, the civilian polo shirt , long or short sleeved.
2. Tie Bar with long-sleeved shirt.
3. Belt
4. Trousers , male
5. Skirt or trousers , female
6. Socks with trousers
7. Nylon stockings with skirt
8. Shoes , as defined in 1047.91 (I)
9. Jacket , black nylon duty jacket (optional) or sweater

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10. Badge , with white uniform shirt only
11. Nameplate , with white uniform shirt only
12. T-shirt , (or turtleneck) as defined in 1047.91 (h) , Optional with Polo shirt.
13. Hat , (Optional) Baseball type hat general duty: Powder blue and white in color with department patch on front of hat. Male/Female. Hats are not to be when driving the Cushman Scooter. Hats are to be worn when assigned to drive the parking enforcement pickup vehicle, when assigned to a stationary post or conducting parking enforcement duties on foot.
14. Shorts , Navy blue, Wash and Wear, 34-35% cotton, 62-65% polyester, 0-4% spandex. Shorts may be worn by Parking Collections Clerks as designated by the Business Manager, Deputy Chief of Police or Chief of Police. (AMENDED 12/12/97, GO#7-96)

The Class B uniform is designated as the basic uniform for general duty.

Both the Class A and Class B uniform clothing shall be worn as designed by the manufacturer, and no individual modifications shall be made other than normal alterations.

Long-sleeved white uniform shirts shall be buttoned at the cuff at all times and will not be rolled up or rolled under. They shall be buttoned at the collar at all times with the necktie in place. All pockets on jackets, shirts, and trousers will be buttoned and snapped. No articles will be carried in any uniform shirt pocket other than a pen and pencil and Department field notebook for duty use. No large or bulky articles shall be carried in the front trouser pockets.

Belt buckles shall be centered.

Shoes and leather gear shall be highly polished. Articles made of metal shall be clean, polished, and free of excessive scratches. Clothing shall be tailored to the body, neither loose enough to be baggy nor tight enough to pull the fabric.

1047.13.19 PARKING ENFORCEMENT OFFICER CLASS C UNIFORM (OPTIONAL)

The PEO Class C Uniform shall consist of the following:

1. Shirt - Class B Shirt as defined in Section 1047.91 (c) of the Department Manual.
2. Shorts - Navy blue, wash and wear, Mardac Twill, 65/35 Dacron Polyester, Combed Cotton, Permanent Press.
3. Footgear - Black leather, low-cut sport shoes, worn with white/off-white socks, without stripes.
4. Belt - Black basketweave leather, not less than 1 inch or more than 2 inches with a straight type end, with plain chrome buckle.

Depending on weather conditions, the PEO Class C Uniform may be worn by Parking Enforcement Officer. The PEO Supervisor, Watch Commander, or Chief of Police, may designate other class uniforms as the uniform of the day.

1047.14 UNIFORM - POLICE CADET

The items listed in this Section shall constitute the uniform for Police Cadets. The approved uniform shall be worn in the manner prescribed at all times while on duty.

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1047.14.1 DUTY JACKET

Black nylon with detachable pile collar; two patch pockets with flaps and snaps at each point; waistband, reinforced with pella, shirred on sides; badge holder; no epaulets. See Paragraph 1047.22. Wearing of the duty jacket is optional. When the jacket is worn, the regulation necktie and tie bar shall be worn at all times. When wearing the duty jacket, it shall be complete with Department shoulder patches and required Cadet nameplate.

1047.14.2 SHIRT

Tan cotton khaki, with blue epaulets sewn on; short-sleeved with two flap pockets and badge holder. When the shirt is worn with the duty jacket, the regulation necktie shall be worn at all times. The shirt shall be worn complete with department shoulder patches and cadet nameplate. When the shirt is worn collar-open, a white round crew-neck collar T-shirt shall be worn at all times. A long-sleeved version of the same shirt is authorized and requires the wearing of a necktie. Each Cadet shall possess at least two shirts in any combination.

1047.14.3 TROUSERS

Navy blue wash and wear cotton blend with belt loops; normal break over shoes.

1047.14.4 SKIRT

Navy blue straight skirt is optional for female cadets. Authorized length is the middle of the knee.

1047.14.5 BELT

Black leather, basketweave design, not less than one inch or more than two inches with a straight type end and a plain chrome buckle.

1047.14.6 KEY STRAP

Black leather, basketweave design, 3/4 inch wide and 4 1/2 to 5 inches long, with chrome spring type snap fastener to hold key ring securely. Key ring to be chrome plated, one inch in diameter. May be worn on belt.

1047.14.7 SHOES

Black, center laced, high (ankle) or low cut, military or plain tip toe; smooth finish of either leather or coram able to take a high shine, no ornamentation. No boots.

Plain black pumps to be worn with optional navy blue skirt. Maximum heel 2 1/2 inches.

1047.14.8 SOCKS

Solid black or navy blue, no design.

1047.14.9 NAME PLATE

The name plate issued to each cadet shall always be worn while in uniform. The nameplate shall be worn on the outermost garments in the manner prescribed and shall be clearly visible at all times. Nameplates for cadets shall be made of silver-colored metal with blue lettering, two initials and last name. The nameplate shall measure 2 1/2 inches by 5/8 inches, and shall be attached to the uniform by clasp-type fasteners.

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1047.14.10 IDENTIFICATION CARD

When on duty, all Police Cadets shall have in their possession the identification card currently issued to them.

1047.14.11 PERSONAL APPEARANCE

All Police Cadets shall present a neat, clean, and professional appearance while on duty. All leather gear shall be kept dyed and polished, and shoes shall be shined. All metal items shall be clean and polished. No protruding or bulging objects shall be carried in the pockets of the uniform.

1047.15 POLICE ACADEMY TRAINEE UNIFORM

The items listed in this Section shall constitute the uniform for all Police Officer Trainees attending the Ventura County Police and Sheriffs Academy.

1047.15.1 CAP

Santa Barbara Police Department regulation metropolitan 8 point navy blue dress cap. Silver "P" buttons on black patent leather chin strap. Regulation cap piece shall be worn with the dress cap at all times.

1047.15.2 JACKET

Santa Barbara Police Department regulation duty jacket, black nylon with detachable pile collar, two patch pockets with flaps and snaps at each point; waistband reinforced with pellow, shirred on sides; badge holder; no epaulets. See Paragraph 1047.22. The duty jacket is optional. When the duty jacket is worn, it shall be complete with Department shoulder patches and badge, worn only at the direction of the Academy staff.

1047.15.3 SHIRT

Cotton khaki tan, wash and wear, short sleeved without epaulets; two flap pockets and badge holder; no Department patches; sewn in military creases to present a neat, military appearance.

1047.15.4 TROUSERS

Dark forest green gabardine, wash and wear; belt loops, 2 inch waistband; French fly front; straight pockets on right and left side seam; two patch pockets.

1047.15.5 SHOES

Black leather, smooth finish, no ornamentation, no coram or patent leather; center laced high (ankle) or low cut; military or plain tip toe; low quarter or chukka style only; able to take a high shine.

1047.15.6 SOCKS

Solid black, no design.

1047.15.7 BELT

Black leather, basketweave design; width to be not less than one inch or more than two inches with straight type end and plain chrome buckle.

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1047.15.8 KEY STRAP

Black leather, basketweave design, 3/4 inch wide and 4 1/2 to 5 inches long; chrome spring type fastener to hold key ring securely. Key ring is chrome plated, one inch in diameter.

1047.15.9 WHISTLE

Black plastic Acme (brand) "Thunderer" or comparable type.

1047.16 ANIMAL CONTROL OFFICER AND RANGE/EQUIPMENT SPECIALIST UNIFORM

1047.16.1 UNIFORM SHIRT

The long sleeved uniform shirt shall be worn with department shoulder patches, nameplate, badge, authorized medals and necktie. A metal springpoint style collar stay should be used to keep the collar points down to present a sharp appearance.

1. Material - the shirt material shall be made of 65% dacron polyester & 35% avril rayon; or poly/cotton blend.

2. Style - two breast pockets with three pointed flap. A vertical buttonhole shall be located on the center point line of each flap. A blue button shall be sewn on the pocket to correspond with buttons down shirt front. Shoulder epaulettes shall be fastened with blue buttons. Cuffs shall button with two or three buttons, evenly spaced.

3. Color - french blue (grey/blue) with coordinating buttons.

4. Badge Holder - shall be self cloth measuring 2 1/4 inches long, 1 inch wide, centered above the left pocket flap. It shall be equipped with 2 blue rustproof metal eyelets center spaced 2 inches, with the top eyelet center located 3 1/4 inches above the top of the pocket flap. No part of the holder shall show from behind the badge.

1047.16.2 UNIFORM TROUSERS

Worn with Class A or B uniform.

1. Material - shall be a blend of 65% polyester and 35% cotton (style #7121, brand-Lion, crafted in U.S.A.).

2. Style - zipper front with belt loops, two front pockets and two rear pockets.

3. Color - standard Police Department shade of dark ink blue.

4. Hemming - shall hang to a point not less than one inch from the top of the heel in back and hollowed in front to allow the bottoms of the trousers to rest on the shoes without a break.

1047.16.3 CLASS A UNIFORM (DRESS)

1. Duty Jacket - wearing of the Duty Jacket shall be optional. When wearing the Duty Jacket it shall be complete with Police Department shoulder patches, badge and sewn on nameplate. Wearing the Duty Jacket is permitted with Class A, B, or C uniform.

2. Material - shall be 100% nylon, (Horace Small Apparel Co., style #6108), black in color and dry clean only.

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3. Style - full cut, waist length model with zipper front, adjustable velcro wrist closures, front jacket shall be plain style with patch pockets, pocket flaps and badge tab. Buttons on jacket are silver for Animal Control Officers and gold for Humane Officers/Supervisor. Nameplate stitching for Humane Officers/Supervisor will be gold. Epaulettes on shoulders fastened with coordinating buttons.

4. Lining - Polyester batting in a 100% nylon shell. Dry clean only, (Horace Small Apparel Co.) wearing lining is optional depending on weather conditions. Lining zips in and out and attaches to button on each cuff.

5. Collar - A permanent self material sport collar shall be on jacket. A detachable simulated black fur collar is optional depending on weather conditions.

1047.16.4 CLASS B AND C UNIFORM SHIRT

Short sleeve shirt shall be worn with Class B or C uniform. Shall be worn with department shoulder patches, nameplate & badge. A metal or plastic springpoint style collar stay should be used to keep the collar points down to present a sharp appearance.

1. Material - permanent press soil release 65% dacron polyester/35% combed cotton, luxury poplin.

2. Color - french (grey/blue) blue.

3. Style - two breast pockets with flaps. A vertical buttonhole shall be located on the center point line of each flap. A blue button shall be sewn on the pocket to correspond with buttons down shirt front. Shoulder epaulettes shall be fastened with blue buttons.

4. Badge Holder - shall be reinforced material sewn over center of left breast pocket.

1047.16.5 UNIFORM SHORTS

Shall be worn in warm weather.

1. Color - dark navy blue.

2. Material - 35% cotton/65% polyester, two pockets in front, front zipper, belt loops, back pockets on men's shorts, no back pockets on woman's shorts.

1047.16.6 SHOES

May be worn with Class A or B uniform.

1. Color - black.

2. Material - leather or corfam.

3. Style - smooth finish, either low quarter, ankle high or low boot with low heel.

1047.16.7 SOCKS

Socks of the prescribed color shall be worn at all times when in uniform. Uniform socks shall be black or navy blue in color without design. White socks may be worn only with high boots where socks will not show.

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1047.16.8 NECKTIE

Shall be worn with Class A uniform long sleeve shirt. Long sleeve shirt may be worn without necktie when shirt is worn because weather is cold. Necktie will always be worn in court, for presentations, funerals, etc.

1. Color - black.
2. Material - rayon or acetate worsted fabric, no design on fabric.

1047.16.9 BELT

. To be worn with Class A, B or C uniform.

1. Color - black.
2. Design - hand-stamped, basketweave
3. Width - not to be less than one inch or more than two inches. Buckle will be a bar-type or plain chrome heel.

1047.16.10 CLASS C UNIFORM ACCESSORIES

1. Shoes - athletic style shoes, either low, three quarter or high ankle.
2. Color - all black or all white. No design or colored writing on shoe.
3. Socks - all white (no stripes on socks).

1047.16.11 LEATHER OR NYLON EQUIPMENT

All leather or nylon equipment shall be maintained in a neat, clean and serviceable condition and shall be ready for immediate utilization for field duty. All leather gear shall be black, top-grain cowhide, hand stamped with basketweave when applicable. Leather equipment shall be kept dyed and polished and shall be replaced when it cracked, checked, worn smooth or otherwise unserviceable condition. All black nylon basketweave equipment shall be maintained in a presentable and serviceable condition.

1047.16.12 SAM BROWN BELT

Shall be worn with Class A, B or C uniform. Items that may be worn on Sam Brown belt are as follows:

1. Radio Clip
2. Rescue Tool Holder
3. ASP Baton Holder
4. Key Holder
5. Mace Holder
6. Flashlight Holder
7. Keepers
8. Bite Stick Holder

Police Cadets

1048.1 PURPOSE AND SCOPE

The Police Cadet program is designed to provide the Police Department with general duty support personnel at a moderate cost and at the same time provide valuable training and work experience for college students seeking a career in law enforcement.

1048.2 EDUCATION REQUIREMENTS

An applicant for the position of Police Cadet must be age eighteen through twenty-one and preferably should be enrolled as a continuing student at a college or university, preferably with criminal justice as a major. Applicants must generally meet the same physical and visual acuity standards as Police Officers. Employment as a Cadet may continue, including summer vacation periods, until a Cadet reaches their twenty-second birthday.

1048.3 PROGRAM COORDINATOR

The Community Services Division Commander 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

Police Cadets are classified as temporary employees subject to City regulations for temporary employees. They are authorized to work 20 hours per week. Any hours worked in excess of 20 hours per week must have approval of the Division Commander for whom the Cadet works. New Cadets will be hired as Police Cadet I. They will be eligible for reclassification to Police Cadet II after one year of continuous service and upon the recommendation of their supervisor, accompanied by a satisfactory performance evaluation.

1048.4 CLASSIFICATION

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 Police 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 CADET UNIFORMS

Uniforms shall be provided by the Police Department and worn at all times while Cadets are on duty unless the Division Commander directs otherwise. Cadets are responsible for maintaining their uniforms in a neat and clean condition. Cadets are not authorized to wear the uniform off duty except when going directly to or from work. Refer to the uniform and equipment manual for specifications of cadet uniforms.

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Policy Manual

Police Cadets

1048.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Community Services Division Commander. Cadets will be assigned as needed. Duties shall consist of those functions or tasks that are statutorily permissible and do not entail personal risk or high technical knowledge. No duties or tasks shall be assigned that would require the powers of a peace officer.

1048.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. The cadet uniform shall not be worn while participating in the ride-along program. Men shall wear business attire consisting of a sweater, sport coat or a sport shirt in combination with slacks. Women shall wear a conservative dress, skirt, or slacks. Dresses and skirts must be of suitable length when the wearer is seated. T-shirts, jeans, shorts or sandals are unacceptable for any guest. No cameras or tape recorders are permitted. No exceptions to this standard will be permitted.

Explorer Post

1051.1 PURPOSE AND SCOPE

The Santa Barbara Police Department Explorer Post 104 is a coeducational Boy Scout organization that is sponsored, organized, and administered by the Santa Barbara Police Department. It has been established to provide young adults (age 14 through 20 years old),

who have an interest in law enforcement, a program that gives them an opportunity to learn about a possible career as a peace officer. This education is achieved by training in six experience areas, which have been set forth by the Boy Scouts of America. The experience

areas are: fitness, career, service, social, citizenship, and outdoor. In order to achieve the purpose of this post there must be activities and training in each of the experience areas.

1051.2 CHAIN OF COMMAND

The line of authority from Explorer Staff members and down through the ranks shall be preserved in order to maintain principles of good administration. Except during emergencies, ranks shall not be bypassed. Each Explorer is responsible to his/her immediate superior for direction and supervision.

The Explorer Post will be assigned within the Community Services Division and will be under the overall direction and supervision of the Administrative Commander.

(a) The Explorer Advisor is a sworn supervisor responsible for direct supervision of the Explorer Staff. He/she can assist/supervise the coordination and administration of Explorer activities, while being a liaison between the Police Department and the Explorer Post.

(b) The Assistant Advisor will be a sworn officer who will assist the Advisor with his/her responsibilities.

(c) The Civilian Assistant Advisor is a non-sworn assistant to the Advisor who is responsible for special committees. The Civilian Assistant will not have supervisory control of the Explorer Staff, except when the Civilian Assistant is in charge of a special committee which was created by one of the sworn Advisors.

(d) Explorer Captain - His/Her primary responsibility is staff supervision. He/she directs and coordinates, through the Staff, Explorer programs as directed by the Advisors.

(e) Explorer Lieutenant - Assists the Explorer Captain in his/her responsibilities and supervises the Post in the Captain's absence.

(f) Explorer Sergeant - Is responsible for documentation and recording of all Explorer records as well as general Explorer supervision during Explorer activities.

(g) Explorer II - Shall be responsible for Explorer supervision and general assistance to the Explorer Sergeant.

(h) Explorer - A general member of the Explorer Post.

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Policy Manual

Explorer Post

1051.3 AUTHORITY

1051.3.1 ON DUTY

Authority to conduct regular Explorer function is given through normal chain of command. Explorers have authority to direct traffic in accordance with the provisions of the ordinances of the City of Santa Barbara (10.08.080 M.C.).

1051.3.2 OFF DUTY

When in off-duty status, members of the Explorer Post have no special authority other than that of any private citizen.

1051.3.3 RULES, REGULATIONS, AND PERSONAL CONDUCT

Members of the Explorer Post shall obey the same rules, regulations, and will exemplify the same conduct as is set forth in this manual for the sworn officer.

In a situation where an Explorer violates these requirements his/her actions will be documented and a recommendation for action will be written in memo form. This will be completed by the Explorer Captain or Advisor, depending on the severity of the violation. The recommended actions will go through the normal and appropriate chain of command for approval.

Examples of discipline for misconduct are:

- Verbal or written reprimand.
- Additional work hours.
- Loss of ride-a-long.
- Demotion.
- Suspension.
- Expulsion from program.

1051.4 ATTENDANCE

Attendance at all biweekly meetings and participation in Explorer activities is mandatory for membership within the Post. An absence may be authorized with approval of the Explorer Captain or Advisor, but absence will not be authorized to occur on a regular basis. Any misconduct in attendance may be handled by using the previously stated disciplines

1051.5 REQUIREMENTS FOR MEMBERSHIP

1051.5.1 STANDARDS

The following are minimum standards for membership into the explorer post.

- (a) Must be age 14 through 20.
- (b) Must be enrolled in a secondary school through age 18, maintaining 2.0 Grade Point Average.
- (c) Must have parents' permission.
- (d) Must be of high moral character, free from any felony convictions or any violation which would exempt a person from consideration as a peace officer.

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Explorer Post

1051.5.2 SELECTION FOR MEMBERSHIP

The selection process will consist of an oral interview, background investigation, and a written exam.

1051.6 DESIGNATED UNIFORM

The Explorer uniform will consist of a light blue shirt with dark blue pants. The shirt will be 65% Dacron 35% Avrio Rayon, light blue, short sleeve with epaulets. The shirt will have the Santa Barbara Police patch on each shoulder with the Explorer patch below the police patch. Each Explorer will have a name tag stating their name, which will be placed above the seam of their right pocket. The Explorer's pants, t-shirt, shoes, etc. will be the same as the Regular Police Officer's - except for gun belt. The explorer is authorized four items on their 1 1/2 inch basket weave belt. These items are 1) Key chain, 2) One basket weave handcuff case with authorized handcuffs, 3) Portable radio holder (worn only when using portable radio), 4) Flashlight and holder (max. 3 cell flashlight).

At no time will an Explorer carry a gun or any weapon in an on-duty capacity.

The Explorer will be issued an Explorer identification card, which will not be used for identification in an off duty capacity. When an Explorer ceases membership he/she will return the Explorer identification card and police patches.

An alternative long sleeve shirt with tie and tie bar may be used in place of the short sleeve shirt when authorized. A dark blue polo shirt with city seal and Explorer Post wording may be used for some Explorer functions, when authorized.

The Explorer uniform shall only be worn during authorized Explorer functions.

1051.6.1 SENIOR EXPLORER UNIFORM

Senior Explorers will wear the authorized Explorer uniform, except they will replace their "Explorer" patch with a "Senior Explorer" patch and will wear a service size badge stating "Senior Explorer". They will also be authorized to wear a sam brown belt (with no weapons

of any type), in order to support equipment commonly used for patrol investigations. Senior Explorers are subject to all of the provisions stated in this manual for Regular Explorers

1051.7 PROMOTIONS

Promotions will be made at the discretion of the advisors, with some assistance in the decision made by the Explorer staff. Upon promotion, the Explorer shall wear the appropriate rank insignia on their uniform shirt collar, except when they are working with an

officer when he/she is working in an enforcement capacity with the public.

1051.7.1 SENIOR EXPLORER

The "Senior Explorer" is a promotion for regular Explorers who:

- (a) Are 18 to 20 years old.
- (b) Have graduated from High School.
- (c) Possess a California Drivers License.
- (d) Are currently attending college.

Santa Barbara Police Department

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Explorer Post

- (e) Have attended, or will attend the next available semester, the 832 P.C. Reserve Officer Training Course.
- (f) Pass a physical agility course.
- (g) Have passed the standard Explorer selection for membership requirements

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