

Redacted Policies

The UCI Police Department's policy manual is a living document that is subject to constant change. New laws, court decisions, UC Policy changes, new methodologies, and other factors dictate the need for a continual review of these policies, initiating revisions where necessary and appropriate.

It is recognized that no set of policies and procedures, no matter how complete, can hope to address all the situations that may be encountered. When encountering such situations, this policy manual will serve as a guideline and should be employed with sound reason, judgment, and discretion.

The sections included here represent policies that would otherwise be available to the public pursuant to a CPRA request (Gov. Code §6250 et seq.). Policies 421, 422, 423, and 436 have been removed as they contain information that include tactical responses to critical incidents.

- Policy 422: Active Shooter Incidents
- Policy 423: Hostage & Barricaded Incidents
- Policy 424: Response to Bomb Calls
- Policy 437: Rapid Response and Deployment

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CHIEF'S PREFACE

This manual has been designed to provide the employees of the University of California Irvine Police Department with readily accessible and contemporary reference information pertaining to the department policies.

This manual is not intended to cover the many situations that constantly confront the members of a law enforcement organization. Each member, at all times, is expected to use initiative, resourcefulness and sound judgment while performing his/her duties.

Each officer is given the legal authority and is charged with the responsibility to prevent and detect criminal activity, apprehend offenders, protect life and property and enforce laws and ordinances vigorously. This must be accomplished in a manner that will inspire the confidence and respect of the public we serve.

An officer must function with sensitivity, self-control, impartiality and, above all, honesty. An officer must do that which is required for self-preservation, but must absolutely refrain from the use of unnecessary force.

This manual has been assigned to you and must be maintained by you at all times. It is to be kept current at all times by making any and all deletions or additions as changes are issued to you. You will be held responsible for its contents and it is important that you use it regularly as reference material. This manual is confidential and the information contained is not to be passed on to those for whom it is not intended.

This manual will be subject to change as the needs of the department change and any future additions to it automatically revoke any and all previous orders in conflict with it.

Liz Griffin
Chief of Police

University of California Irvine Police Department

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MISSION, VISION AND VALUES STATEMENT

Our Vision, Mission, and Values at UC Irvine Police Department are the guiding principles we rely upon to effectively serve our community. Our dedicated personnel are the foundation of our department. Our values are demonstrated by their daily service and actions through prevention, intervention, enforcement, and education. Our mission fully embraces our community oriented philosophy and brings that philosophy to reality through partnerships and service. Our vision leads our personnel to strive for only the highest standards of ethics and excellence in all they do.

Our Mission

- To serve in partnership with our community, supporting a safe and inclusive University

Our Vision

- We aspire to achieve the highest standards of ethics and excellence in providing service to our community.

Our Values

- Integrity • Respect • Transparency • Fairness • Teamwork

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Code of Ethics

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

100.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

100.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

100.4 PUBLIC SAFETY TELECOMMUNICATOR CODE OF ETHICS

All UCI Police Department communication's employees are required to read, understand, sign and uphold a Telecommunicator's Code of Ethics declaration. The Code of Ethics will usually be presented, read and signed during the orientation week(s) for each employee. In addition, all Department personnel will attend ethics training biennially. The Telecommunicator's Code of Ethics reads:

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As a Public Safety Telecommunicator, I am dedicated to serve the public; to safeguard life and property; to keep my personnel informed on all calls that may require their attention; to assist all public safety vehicles and personnel in the performance of their duties; assure that all rules and regulations which govern my position are not violated in any manner.

I will keep my private and social life free from all criticism; maintain a calm attitude during times of stress and emergencies; develop self-control and be constantly mindful of the welfare of others, regardless of race, creed, or religion. I will obey the laws of the land, rules, and regulations of the Federal Communications Commission and my department. Whatever information I receive of a confidential nature will be revealed only in the official performance of my duties.

I will never act in a selfish or unofficial manner or let my personal feelings, friendships, prejudices, or animosity influence my decisions. I will enforce the rules and regulations of my department and the Federal Communications Commission without fear, favor, or ill will, never employing unnecessary force and never accepting gratuities.

I recognize the high responsibility of my position as a symbol of public faith and trust and will accept it to be held as long as I am faithful to the ethics of public safety service. I will constantly strive to achieve those objectives and ideals, which govern my profession, dedicating myself, before God, to my chosen profession, public safety telecommunications.

100.5 PUBLIC SAFETY EMPLOYEE CODE OF ETHICS (NON-SWORN)

All UCI Police Department non-sworn employees are also required to read, understand, sign and uphold the Department's Public Safety Employee Code of Ethics declaration. The Code of Ethics will usually be presented, read and signed during the orientation week(s) for each employee. In addition, all Department personnel will attend ethics training biennially. The Public Safety Employee's Code of Ethics reads:

As a UC Irvine Police Department employee, it is my duty and responsibility to serve the community and provide professional support for Departmental operations. I will keep my private life unsullied as an example to all, develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed in personal and official life, I will be exemplary in obeying the laws of the land, and the rules and regulations of the Department.

What I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret, unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. I will constantly strive to achieve these objectives and ideals, dedicating my efforts toward ensuring the efficient and effective operation of the UC Irvine Police Department.

I WILL:

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- Keep myself in the best physical and mental condition.
- Perform my duties with efficiency to the best of my ability.
- Be truthful at all times.
- My conduct and performance of duties will be accomplished in an honest manner, and in compliance with the laws; local, state, and federal.
- Adhere to the confidentiality of the Law Enforcement Profession.
- Recognize at all times that I am a public safety employee, and that ultimately, I am responsible to the public.
- Give the most efficient and impartial service.
- Be courteous in all my contacts.
- Regard my fellow employees with equality, dignity, and respect.
- Strive to do only those things that will reflect honor on my fellow employees, my agency, and myself.
- I WILL NOT, in the performance of my duties, work for unethical advantage or personal profit.

100.6 ETHICS TRAINING

The department is responsible to ensure that all members receive ethics training appropriate to their assignment and duties upon initial hire, annually as refresher training, and otherwise as needed.

Law Enforcement Authority

101.1 PURPOSE AND SCOPE

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

101.2 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.2 et seq.; Education Code 92600).

101.2.1 DELIVERY TO NEAREST MAGISTRATE

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

101.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE UNIVERSITY OF CALIFORNIA IRVINE POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the University of California Irvine Police Department includes (Penal Code § 830.2; Penal Code § 836; and Education Code 92600):

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

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

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

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Law Enforcement Authority

101.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE UNIVERSITY OF CALIFORNIA IRVINE POLICE DEPARTMENT

The arrest authority within the jurisdiction of the University of California Irvine Police Department includes (Penal Code § 830.2; Penal Code § 836; and Education Code 92600):

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

101.2.4 TIME OF MISDEMEANOR ARRESTS

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

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
 - 1. A misdemeanor committed in the presence of the officer.
 - 2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

101.2.5 OREGON AUTHORITY

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

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents

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or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

University of California Irvine Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

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

101.3 POLICY

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

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

101.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

101.6 PUBLIC SAFETY RESPONDER AUTHORITY

Public Safety Responders (PSR) do not have peace officer powers of arrest. In situations where an arrest may be necessary, PSRs should request a police officer to assist them. PSRs powers of arrest are the same as any private person and are defined under California Penal Code section 837. The PSR, as a private person, may affect an arrest when:

- (a) A public offense has been 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.

101.6 CONSTITUTIONAL REQUIREMENTS

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

Policy Manual

102.1 PURPOSE AND SCOPE

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

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

102.2 POLICY

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

102.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the University of California Irvine Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the University, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The University of California Irvine Police Department reserves the right to revise any policy content, in whole or in part.

102.2.2 EXECUTIVE STAFF

Staff shall consist of the following:

- Chief of Police
- Assistant Chief of Police
- Lieutenant
- Administrative Director

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

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102.3 AUTHORITY

The Chief of Police or his/her designee shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

102.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CCR - California Code of Regulations (Example: 15 CCR 1151).

CFR - Code of Federal Regulations.

CHP - The California Highway Patrol.

CIBRS - California Incident-Based Reporting System

Community Police Academy - A course that provides community members an insider's view of police work on campus.

University - The University of University of California, Irvine.

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

Department/UCIPD - The University of California Irvine Police Department.

DMV - The Department of Motor Vehicles.

EAS - Emergency Alert System

Employee/Personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The University of California Irvine Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the University of California Irvine Police Department, including:

- Full and part-time employees
- Sworn peace officers
- officers
- Non-sworn employees

NCIC - National Crime Information Center

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NIBRS - National Incident-Based Reporting System

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

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

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

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

PSR - Public Safety Responder

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

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority that may include responsibility for directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

USC - United States Code.

102.5 ISSUING THE POLICY MANUAL

The Chief of Police, the Assistant Police Chief, or the Operations Lieutenant are the only department members authorized to issue, modify, revise, or rescind any part of the Policy Manual. Command staff will review, recommend, and where appropriate, approve revisions of the Policy Manual.

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

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

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102.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police, or their designee, shall ensure that the Policy Manual is reviewed annually.

102.6.1 PERIODIC REVIEW OF PROCEDURAL GUIDES

The Chief of Police, or his/her designee, will ensure that Procedural Guides are reviewed annually. It will be the role of each division head to ensure agency compliance with best practice and continuous improvement.

102.7 REVISIONS TO POLICIES

The Assistant Chief of Police and Operations Lieutenant are responsible for the indexing, updating, revising, reconciling, and purging of department policies, directives, and/or procedures.

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

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

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

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

102.8 AGENCY SPECIFIC CONTENT

The general structure, organization, and content of the Policy Manual is provided by Lexipol. When specific agency content is required, it will be added to or replace existing Lexipol content. Agency specific procedures not included within the Policy Manual will typically be incorporated by reference. When updates to the Policy Manual are made, employees will receive an email message noting there has been a change in policy.

Chief Executive Officer

103.1 PURPOSE AND SCOPE

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

103.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.1.1 OATH FOR UNIVERSITY OF CALIFORNIA POLICE

I, [employee name], do solemnly swear that I will support and defend the Constitution and laws of the United States, the Constitution and laws of the State of California, and the Rules and Regulations of The Regents of the University of California, that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely and without any mental reservation or purpose of evasion; and that I will faithfully discharge the duties upon which I am about to enter.

104.2 POLICY

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

104.3 OATH OF OFFICE

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

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

104.4 MAINTENANCE OF RECORDS

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

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the University of California Irvine Police Department. There are four divisions in the Police Department as follows:

- Administrative Division
- Operations Division
- Services Division
- UCI Health Public Safety Division

200.2.1 ADMINISTRATIVE DIVISION

This Division is led by a Director whose primary responsibility is to manage, direct, and lead its personnel in providing budget, administrative, and logistical support to all divisions of the UC Irvine Police Department. This Division includes the Public Safety Answering Point (PSAP) 9-1-1 communications center; the Records section responsible for processing department generated reports, citations, and statistical data; and the community safety ambassador program, which provides security at UC Irvine campus events, after-hours building checks, and facilitating safety escorts to the UC Irvine community.

200.2.2 OPERATIONS DIVISION

This Division is led by a Lieutenant whose primary responsibility is to manage, direct, and lead the personnel assigned to the division in safeguarding the Irvine campus and related properties, and its students, staff, faculty, residents, and visitors. This includes 24/7 responses to public safety related calls and emergencies, special event planning, community engagement, and is a member of the campus Consultation Team.

The Operations Lieutenant is the liaison to external law enforcement, fire, and mental health partners to coordinate public safety operations. The Operations Lieutenant is responsible for coordinating campus threats assessments, and is the overall field commander during civil unrest, disaster, or other significant operations.

200.2.3 SERVICES DIVISION

This Division is led by a Lieutenant whose primary responsibility is to manage, direct and lead the personnel assigned to the division in providing investigative services and resources, case follow-up, threat assessment, search warrants, submission of criminal complaints, Clery Act reporting and compliance, managing technology projects/programs, court liaison, property and evidence, and training.

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The Services Lieutenant also provides support to Public Records requests and employee recruitments and is a member of the campus Case Management Team and the designated department Training Manager.

200.2.4 UCI HEALTH PUBLIC SAFETY DIVISION

This Division is led by a Lieutenant whose primary responsibility is to manage, direct, and lead its personnel to safeguard the UCI Health campus and related properties. This position is responsible for overseeing the daily operations of division including developing and managing the division's budget, coordinating the delivery of public safety and law enforcement services to the students, staff, faculty, patients, and visitors, maintaining all hospital policies related to public safety and the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), sits on the Incident Response Team (IRT) that coordinates investigations into patient assaults.

The Lieutenant is a member of the hospital's Consultation Team (CT) to coordinate responses to threats to the hospital or its students, staff, faculty, visitors, and patients, and is a member of the Case Management Team tasked with reviewing cases involving sexual offenses, domestic violence, and stalking. The Lieutenant coordinates the recruitments and specialized training requirements for those assigned to the division, and is responsible for the Public Safety Operations Center (PSOC), a real-time information center that coordinates medical center security operations and responses.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate the Assistant Chief of Police, or in the absence of the Assistant Chief of Police, a Lieutenant to serve as the acting Chief of Police.

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

- (a) Assistant Chief of Police
- (b) Services Lieutenant
- (c) Operations Lieutenant
- (d) UCI Health Public Safety Lieutenant
- (e) Watch Commander

200.3.2 UNITY OF COMMAND

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

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200.3.3 CHAIN OF COMMAND

The chain of command will be followed by all members of the Department in all official matters. Within the department's organizational structure, the chain of command follows the same hierarchy established in the Succession of Command policy, unless designated differently for a specific circumstance by a member of the command staff.

Department members in a specialized unit (e.g. Systemwide Response Team), on temporary assignment, or deployed on mutual aid, shall follow that unit's chain of command for matters concerning the unit. Members deployed on mutual aid may be assigned to supervisors or managers from other campuses or departments that are outside the members normal chain of command. When in these mutual aid assignments, members shall follow the temporary chain of command established in these assignments. Regardless of members' permanent or temporary assignments, members shall follow the department's policies and procedures.

When two or more department members of the same rank are involved, the member with the highest seniority will assume command. In these situations, the higher seniority member may defer command to the lower seniority member if some specialized training or expertise is deemed necessary for the incident. If two officers are dispatched to a call for service, the officer designated as the primary officer will assume command unless relieved from a higher ranking officer.

200.3.4 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of a superior.

200.3.5 ORGANIZATION CHART

A current, and updated as necessary, organization chart shall be maintained on the Department's website.

Community Engagement

201.1 PURPOSE AND SCOPE

It is the policy of this department to provide the highest level of service possible, recognizing this can only be accomplished with the demonstrated support of the community. It will be the policy of this department to engage the community in full partnership both in written word and in action. Every member of the department will share in the responsibility of supporting and modeling the community oriented policing philosophy.

201.1.1 COMMUNITY OUTREACH UNIT

The UC Irvine Police Department maintains a community outreach unit. This unit is staffed by the Community Engagement Officer whose responsibilities include reaching out and engaging all members of the community through interactions, relationship building and long-term problem solving. This unit is responsible for supporting these operations at both the UCI campus and UCI Medical Center. The outreach officer(s) report directly to the Special Events Sergeant.

201.1.2 OBJECTIVES

Knowledge of public safety risks and crime trends within the community helps officers perform more effectively. Community engagement and crime prevention education should:

- (a) Target crime type and geographic areas formulated around crime analysis data;
- (b) Address community perceptions and misconception of crime within and around the affected community;
- (c) Interact with organizations established within the community or developing community groups where they are needed;
- (d) Share the agency's objectives, community concerns, and successes;
- (e) Forward community input to the appropriate institutional department or outside agency; and
- (f) Develop and implement 21st Century community policing and problem solving strategies as needed.

201.2 REVIEWS

The Operations Lieutenant will be responsible for providing a semi-annual community outreach report to the Office of the Chief. The first semi-annual report will be due to the Office of the Chief on or before June 30th and the second semi-annual report will be due to the Office of the Chief on or before December 31st. The report will include the following:

- (a) Crime prevention and safety presentation activities;
- (b) Progress made in addressing previously expressed community concerns and problems;
- (c) Current concerns voiced by community members;

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- (d) Potential problems that could affect law enforcement, security, and public relations within the community;
- (e) Recommendations for action that address those concerns and problems identified by the community; and
- (f) Comprehensive evaluation of crime prevention programs at least once every four years.

Staffing Levels

202.1 PURPOSE AND SCOPE

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

202.2 MINIMUM STAFFING LEVELS

Watch Commander: Minimum staffing levels should result in the scheduling of at least one sergeant on duty whenever possible.

UC Irvine Campus: Watch Commanders will ensure that at least two police officers are deployed during each watch at the UC Irvine campus. In the absence of a Lieutenant or Sergeant on-duty at UCI Health, the UC Irvine campus Watch Commander will ensure minimum staffing levels for UCIMC are maintained.

UC Irvine Health: Watch Commanders will ensure that at least one police officer and three security personnel are deployed during each watch at the UCI Health Medical Center. Additionally, Watch Commanders will ensure at least one security officer is deployed at the UCIMC Santa Ana Clinic and at the Anaheim Clinic during business hours at each clinic.

202.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other circumstances, an officer may be used as watch commander in place of a Sergeant or Corporal for a limited period of time with authorization from the Lieutenant.

Emergency Management Plan

203.1 PURPOSE AND SCOPE

The University of California, Irvine has an Emergency Management Plan for use in the event of a major disaster or other emergency event. The plan provides for a strategic response by designated employees and assigns specific responsibilities in the event the plan is activated.

203.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated by the Vice Chancellor for the Division of Finance & Administration, the Assistant Vice Chancellor of Facilities Management and Environmental Health and Safety, or the Chief of Police. For the Police Department, the Chief of Police or the highest ranking official on duty may activate the Emergency Management Plan in response to a major emergency.

203.2.1 RECALL OF PERSONNEL

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

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

203.3 LOCATION OF THE PLAN

The Emergency Management Plan is available online at: [Emergency Management Plan](#). All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented.

203.4 UPDATING OF MANUALS

The Chief of Police or designee shall review the Emergency Management Plan annually to ensure that the plan 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.

Administrative Communications

204.1 PURPOSE AND SCOPE

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

204.2 DEPARTMENT E-MAIL

Department E-mail may be issued periodically by the Chief of Police or their designee to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

204.3 CORRESPONDENCE

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

204.4 SURVEYS

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

Electronic Mail

205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

205.2 EMAIL RIGHT OF PRIVACY

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

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

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

205.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police, Assistant Chief of Police, or a Lieutenant. Personal advertisements are not acceptable.

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

205.4 UNIVERSITY OF CALIFORNIA ELECTRONIC COMMUNICATIONS POLICY

The University of California encourages the use of electronic communications to share information and knowledge in support of the University's mission of education, research and public service and to conduct the University's business. To this end, the University supports and provides interactive electronic communications services and facilities for telecommunications, mail, publishing, and broadcasting. Recognizing the convergence of technologies based on voice, video, and data

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networks, as Presidential Policy, the University of California Electronic Communications Policy establishes principles, rules, and procedures applying to all members of the University community to specifically address issues particular to the use of electronic communications. It clarifies the applicability of law to electronic communications and references other University guidelines to ensure consistent application of the Electronic Communications Policy on all University campuses.

A full copy of the University's Electronic Communications Policy can be found at:

<http://www.policies.uci.edu/policies/procs/800-15.php>

205.5 EMAIL REVIEW/RESPONSE REQUIREMENTS

Employees shall review all email incoming to their assigned email address at least twice each workday; once at the beginning of their shift and once toward the end of their shift. Replies to email inquiries from the public to non-supervisory personnel shall either be copied to the employee's supervisor, or referred to a supervisor for follow up. Employees shall respond to internal department inquiries on the same day the inquiry is reviewed by the employee.

205.6 ACCESSING EMAIL

Employees shall not utilize email services other than the University provided email software, Microsoft Outlook and Microsoft Exchange, to access their University email account to read, review, or send emails.

Training

206.1 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.

206.2 PHILOSOPHY

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

206.3 OBJECTIVES

The objectives of the Training Program are to:

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

206.4 TRAINING PLAN

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

- Legislative changes
- State-mandated training
- Critical issues training
- Agency-specific training

206.5 TRAINING NEEDS ASSESSMENT

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

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206.6 TRAINING COMMITTEE

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

The Training Manager is given the authority to select the training committee members with an emphasis on selecting a cross section representation of the agency, and may include subject matter experts, field and communication training officers, and instructors (ECD, firearms, 40mm, chemical agents, and defensive tactics).

The Training Committee shall include the Training Manager, Training Coordinator, and up to at least three sworn and/or professional staff members. The Training Manager may remove or replace members of the committee at his/her discretion.

The Training Committee should convene on a regular basis as determined by the Training Manager to review any specific training needs that become legislatively mandated or incident based.

The Training Manager will consider the recommendations of the committee and share the recommendations with the department's executive team for review and final direction. The training committee reports to the Assistant Chief of Police.

206.7 TRAINING PROCEDURES

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

206.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the University of California Irvine Police Department Policy Manual and other important topics.

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Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Manager.

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

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

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

206.9 POLICY

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

206.10 TRAINING MANAGER

The Support Services Lieutenant is the department's designated Training Manager who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Manager should review the training plan annually.

206.10.1 TRAINING RESTRICTION

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

206.11 TRAINING COORDINATOR

The department's Senior Analyst is the department's designated Training Coordinator who is responsible for working with the Training Manager in developing, reviewing, updating, and maintaining the department's training program. The Training Coordinator is also responsible for tracking and scheduling training; coordinating internal administrative requirements; and POST training and administrative duties.

206.12 LESSON PLANS

1. All training programs conducted by UCIPD shall be POST approved or the curriculum shall be approved by the Training Manager prior to the presentation of the training. Approved lesson plans will include:

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- (a) Performance and job-related objectives.
 - (b) The content of the training and specific instructional techniques.
 - (c) The basis for evaluating the participants' knowledge of the subject after training (written test and/or skills demonstration).
 - (d) Provide a basis for evaluating effectiveness of the training program
2. Approved training objectives and any curriculum, handouts, exams and evaluations shall be maintained on file by the Training Unit.

206.13 REMEDIAL TRAINING

Remedial training is required for department members who do not demonstrate sufficient knowledge and/or skill to comply with department policies or procedures. Supervisors and content specific instructors are responsible for identifying department members who require remedial training.

Once a need has been identified, remedial training shall be given as soon as practical. A schedule for completion of the training will be determined by the department member's supervisor, in consultation with instructors and the chain of command as needed.

Remedial training should be provided until such time that the department member can satisfactorily pass the required training, or until the department member has demonstrated a failure to respond to the training provided. If a department member refuses or fails to respond to written parameters of remedial training, they may be subject to disciplinary action.

Department Directives

207.1 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.

207.1.1 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.

207.2 RESPONSIBILITIES

207.2.1 STAFF

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

207.2.2 CHIEF OF POLICE

The Chief of Police shall issue all General Orders.

207.3 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 Manager.

Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

The purpose of this policy to provide guidelines for the issuance, denial, suspension, or revocation of University of California Irvine Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and California law.

208.2 POLICY

Each campus Chief of Police shall issue identification cards and Carry Concealed Weapons (CCW) endorsements or certifications for its Qualified Retired Peace Officers in accordance with the U.S. Code and California Penal Code, including Sections 18 U.S. Code § 926, 16690, 25450, 25455, 25460, 25465, 25470, and 26305.

208.2.1 QUALIFIED RETIRED PEACE OFFICER - DEFINITION

A "Qualified Retired Peace Officer" for purposes of issuance of a CCW endorsement or certification is defined as an officer who meets all of the following:

- (a) At the time of retirement, the officer was a full time sworn employee of a University of California Police Department who was authorized to, and did, carry a firearm during the course and scope of that employment; and
- (b) The officer honorably retired from the University directly from active service as a peace officer and receiving or is immediately eligible to receive benefits under the provisions of the University of California Retirement System.
 1. An officer receiving duty disability income has not retired or separated from the University of California and is therefore not eligible for a retiree identification card or retiree CCW privileges and is not considered a "qualified retired and separated peace officer"; and
- (c) The officer did not retire due to a psychological disability (Penal Code §26305(a)), and had no mental health incapacity limiting their ability to work as a sworn police officer preceding retirement in good standing; and
- (d) The officer is not otherwise subject to a lawful restriction on the possession of firearms that conflicts with a carry concealed weapons endorsement; and
- (e) The officer meets their individual campus Police Department's firearm proficiency qualification standard.

208.2.2 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified retired peace officer (defined in 208.2.1) and who meets the following (18 U.S. Code § 926):

- (a) Separated from service in good standing from this department as an officer.
- (b) Prior to retirement, was authorized by law to engage in or supervise the prevention, detection, investigation or prosecution of, or the incarceration of any person for any violation of law.

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- (c) Prior to retirement, had the statutory powers of arrest.
- (d) Prior to retirement, was either:
 - 1. Regularly employed as a law enforcement officer for an aggregate of 10 years of service or more; or
 - 2. Retired from service after completing an applicable probationary period of such service, due to a service-connected disability, as determined by the agency.
- (e) Has a nonforfeitable right to benefits under the retirement plan of the agency.
- (f) Has met, within the past 12 months, the state standard for qualification for active law enforcement officer to carry firearms.
- (g) Has not been disqualified for reasons related to mental health.
- (h) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (i) Is not prohibited by federal law from receiving or possessing a firearm.

208.2.3 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card shall contain a photograph of the former officer and identify him/her as having been employed as an officer and follow the same format contained in section 208.5.

If the University of California Irvine Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active-duty standards for qualification to carry a firearm.

208.2.4 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
 - 2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

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

208.3 CARRY CONCEALED WEAPONS - GENERAL RULES AND RESPONSIBILITIES

University of California Retired Officer Identification Cards (with or without carry concealed weapons endorsement), and other documentation or certification of carry concealed weapons privileges issued by any University of California campus shall remain the property of the University of California and may be revoked, recalled, or denied by that campus' Chief of Police at any time.

1. Qualified Retired Peace Officers who elect not to exercise carry concealed weapons privileges may be issued ID cards that distinctly bear the text "Not CCW Approved." Additional text shall further specify that the bearer is not authorized to carry a concealed firearm. Cards of this type have no expiration date and otherwise resemble those described in Section 1700.4 of this Chapter.
2. The Chief of Police or designee will inquire whether a Qualified Retired Peace Officer wishes not to have an endorsement for carry concealed weapons privileges (Penal Code §26300(b)).
3. Qualified Retired Peace Officers who elect to and are approved to carry concealed weapons shall remain in the California Department of Justice Summary Criminal History Information Database pursuant to Penal Code §11105(k)(1).
4. Qualified Retired Peace Officers who exercise carry concealed weapon privileges must:
 1. Comply with all applicable provisions of law and Departmental policy: Qualified Retired Peace Officers exercising carry concealed weapon privileges remain subject to their former campus' rules and policies (Penal Code §26305(b)). Violation of law and/or Department policy, including failure to meet the appropriate firearm proficiency qualification standards, may be cause for revocation or denial of carry concealed weapon privileges and/or the recall of any issued badge, identification card or documentation of carry concealed weapons privileges and any other Department property.
 2. Notify their campus of any change in permanent resident address information within 30 days of change in permanent residence;
 3. Only carry a concealed firearm of the type for which they are qualified, and which is in good condition and proper working order;
 4. Refrain from being under the influence of alcohol (or any other intoxicating or hallucinatory drug or substance) when exercising carry concealed weapons privileges;
 5. Contact their campus to apply for renewal of identification cards;
 6. In the event that their retiree badge and/or University of California Retired Officer Identification Card is lost or stolen, as soon as practical, contact their former Department and make a police report, in addition to any police report filed with another jurisdiction;

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7. Immediately surrender any and all ID cards or carry concealed weapons certification documents, and any non-decorative badge or other property issued by their former campus, upon the demand of the campus Chief of Police.

Each campus may charge a fee as necessary to cover any reasonable expenses incurred during the process of issuing identification or certification to Qualified Retired Peace Officers(Penal Code§25455(b)).

208.4 FIREARMS QUALIFICATION STANDARDS

- (a) A retiring officer shall successfully pass, within 180 days prior to retiring, a department-approved firearm proficiency qualification or off-duty qualification course.
- (b) The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapon(s) used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.
- (c) Former officers should supply their own ammunition when qualifying at a UCIPD range.

208.5 IDENTIFICATION AND QUALIFICATION DOCUMENTATION

Identification cards issued to Qualified Retired Peace Officers qualifying for carry concealed weapons privileges in the State of California shall be in the following format and contain the information described below:

- (a) The ID card shall be on a 2x3 inch card, bear the photograph of the retiree, include the retiree's name, date of birth, the date that the retiree retired, and the name and address of the agency from which the retiree retired, and stamped on it the endorsement "CCW Approved" and the date the endorsement is to be renewed (Penal Code §25460(c)).
- (b) The ID card shall display the date of expiration of the ID card and CCW privilege, which is initially required five years after the date of retirement, and every five years thereafter;
- (c) A statement on the reverse of the ID card shall describe the authority of the Department to issue the carry concealed weapons endorsement and to confiscate the card.

208.6 DENIAL OF PRIVILEGE

Issuance of a University of California Retired Officer Identification Card may be denied by the campus Chief of Police prior to a hearing pursuant to Penal Code §26310.

- (a) If a hearing is not conducted prior to the denial of an endorsement, an officer may request an appeal hearing pursuant to this section only if they are Qualified Retired Peace Officer as defined in Section §207.1.1 of this Chapter.
- (b) Officers requesting an appeal hearing shall do so within 15 days of the denial. A retired peace officer who fails to request a hearing pursuant to this section shall forfeit the right to a hearing (Penal Code §26310).

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- (c) Appeal hearings shall be held by a three-member hearing board. One member of the board shall be selected by the agency's Chief of Police and one member shall be selected by the retired peace officer or their employee organization. The third member shall be selected jointly by the agency and the retired peace officer or their employee organization (Penal Code §26320).
- (d) Appeal hearings may include an assessment of the facts outlined in the retiree's appeal, complete review of the retiree's personnel records including performance evaluations, internal affairs records, disciplinary documents, fitness for duty documentation, records of criminal convictions, separations documentation or any other documentation necessary to make an objective and appropriate recommendation.

208.7 REVOCATION

A retired officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency (Penal Code §26305(b)).

An identification certificate authorizing the retired officer to carry a concealed and loaded firearm or an endorsement on the certificate may be immediately and temporarily revoked by the campus Police Department when the conduct of a retired officer compromises public safety (Penal Code §2305(c)).

Temporary or permanent revocation must be based on a showing of good cause, which shall be determined at a hearing, as specified in Section 1700.7 (Penal Code §26305(d)).

Notice of a temporary revocation shall be effective upon personal service or upon receipt of a notice that was sent by first-class mail, postage prepaid, return receipt requested, to the retiree's last known place of residence.

The retiree shall have 15 days to respond to the notification and request a hearing to determine if the temporary revocation should become permanent.

A retired officer who fails to respond to the notice of hearing within the 15 day period shall forfeit the right to a hearing and the authority of the officer to carry a firearm shall be permanently revoked. The retired officer shall immediately return the identification certificate to the issuing campus Police Department.

If a hearing is requested, good cause for permanent revocation shall be determined at a hearing as specified in Section 1700.7. The hearing shall be held no later than 120 days after the request by the retired officer for a hearing is received.

A retiree may waive the right to a hearing and immediately return the identification certificate to the issuing campus Police Department.

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208.8 REVIEW BOARD

Any hearing conducted under this Chapter shall be held before a three-member hearing board. One member of the board shall be selected by the Chief of Police of the issuing campus police department or their designee, and one member shall be selected by the retired officer or his or her employee organization. The third member shall be selected jointly by the Chief of Police or their designee and the retired officer or his or her employee organization (Penal Code §26320(a)).

Any decision by the board shall be binding on the department and the retired officer (Penal Code §26320(b)).

A retired officer, when notified of the revocation of the privilege to carry a concealed and loaded firearm, after the hearing, or upon forfeiting the right to a hearing, shall immediately surrender to the issuing agency the officer's identification certificate (Penal Code §26325(a)).

The issuing agency shall reissue a new identification certificate without an endorsement (Penal Code §26325(b)).

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force by members of this Department. 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 (Cal. Government Code § 7286).

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

Retaliation prohibitions for reporting suspected violations of this policy are located in the Anti-Retaliation Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Active Resistance - intentionally and unlawfully opposing the lawful order of a peace officer in a physical manner. Physically evasive movements to defeat an officer's attempt at control, including but not limited to bracing, tensing, running away, or verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.

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

Excessive force – A level of force is found to have violated the requirements of Penal Code § 835a, or any other applicable law or statute.

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

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person, except in the following situations:

- (a) When applying physical techniques or tactics to escort, direct movement, handcuff, restrain or search with no visible injury or complaint of injury to a compliant subject.
- (b) When applying a spit mask or spit hood on a subject to prevent spitting.
- (c) When applying of a firm grip control does not result in injury, the appearance of injury, or complaint of injury (e.g., the use of a grip to control a person's hands while searching or handcuffing)
- (d) When applying the use of physical techniques or tactics to assist an intoxicated person or a person with a physical disability that does not result in the appearance of injury, or complaint of injury (e.g., lifting an intoxicated person to a standing position).

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- (e) When applying physical techniques on a subject who is non-compliant exhibiting passive resistance (e.g., includes subjects who remain in a sitting, standing, or limp or prone positions without holding on to fixed objects or other persons in an attempt to delay or resist arrest).

Imminent - Pursuant to Cal. Penal Code § 835a(e)(2), a threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. Imminent harm, therefore, is not merely a fear of future harm, no matter how great the fear, and no matter how great the likelihood of the harm, but is one that, from a totality of the circumstances known to the officer at any given time, must be instantly confronted and addressed..

Intercede - Includes, but is not limited to, physical and/or verbal intervention to stop the excessive use of force when safe and reasonable to do so, recording the excessive force if equipped with a body-worn camera, notifying dispatch, notifying a supervisor and documenting all efforts to intervene.

Necessary - It is the intent of the Legislature that peace officers use deadly force only when necessary, in defense of human life and based on the totality of the circumstances of a particular situation. Necessity is based on the objectively reasonable standard established by *Graham v. Connor*, 490 U.S. 386 (1989).

Objectively Reasonable - The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application." The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, an agency will examine all uses of force from an objective standard rather than a subjective standard.

Non-Compliant - The subject refuses to comply with officer's lawful commands or cooperate with an officer's directions. Includes passive resistance where subject uses dead weight to prevent being taken into custody. (e.g. includes subjects who remain in a sitting, standing, or limp or prone positions without holding on to fixed objects or other persons in an attempt to delay or resist arrest.

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

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

300.2 POLICY

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

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

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

300.2.1 FAIR AND UNBIASED USE OF FORCE

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

300.2.2 DUTY TO INTERCEDE

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

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

300.2.3 FAILURE TO INTERCEDE

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

300.2.4 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer use force that potentially exceeds what the officer reasonably believes to be necessary, shall when safe and reasonable to do so report their observations to a supervisor (Cal. Government Code § 7286(b)).

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300.3 USE OF FORCE

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

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

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

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

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

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Cal. Government Code § 7286(b)). Such alternatives may include but are not limited to:

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- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.3.2 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Cal. Penal Code § 835a).

300.3.3 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 (Cal. Government Code § 7286(b)). These factors include but are not limited to:

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

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

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers should 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.

300.3.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this Department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Cal. Government Code § 7286.5).

300.3.7 ADDITIONAL RESTRICTIONS

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

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impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, officers should promptly check and continuously monitor the individual's condition for signs of medical distress (Cal. Government Code § 7286.5).

300.3.8 USE OF FORCE TO SEIZE EVIDENCE

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

300.4 DEADLY FORCE APPLICATIONS

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

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

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

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

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

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as

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an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Cal. Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2 DISPLAYING OF FIREARMS

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

- (a) If an officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter, threatened use of force), firearms may be pointed in a manner reasonable for the situation. Once it is reasonably safe to do so, officers should carefully secure all firearms.

Drawing, displaying, or exhibiting a firearm in itself is not a use of force. However, when a firearm is drawn or exhibited to gain compliance from a subject, the circumstances shall be documented in a CAD, criminal, or incident report. The requirement to report the incident does not apply to a firearm kept at the low-ready or other positions where an officer does not intentionally point a firearm directly at an individual.

300.5 REPORTING THE USE OF FORCE

Officers shall document any use of force promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why the officer believed the use of force was reasonable under the circumstances.

300.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation in regards to force used.

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- (e) Any application of a Conducted Energy Device or control device.
- (f) Any application of a restraint device that is not approved by the Department.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.6 MEDICAL CONSIDERATIONS

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

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

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

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

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

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request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to Complete a Supervisor's Use of Force Report to include the following:

- (a) 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 medically examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once initial medical assessment has been completed and/or treatment has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain from both the subject(s) and involved officer(s), as well as overall photographs of the involved subject(s) and officer(s). These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports and obtain a statement.
- (f) Review and approve all related reports to ensure thorough and accurate documentation of the use of force.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the use of force incident and document any violation of policy.

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

300.7.1 COMMAND LEVEL RESPONSIBILITY

The Chief of Police or designee shall assign a member of his or her command staff to review each use of force incident by any personnel within his or her command to ensure compliance with this policy and to address any training issues. The assigned command staff member is responsible

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for reviewing the Use of Force Report (e.g., Supervisor's Use of Force Review, crime and arrest reports, photographs, and/or other pertinent information). After final review, the Chief of Police or designee will ensure custody and storage of the Use of Force Report.

300.7.2 REASSIGNMENT FROM REGULAR DUTIES

Employees involved in a use of force or critical incident that results in the death or serious physical injury of another person may be reassigned from regular duties or temporarily placed on administrative leave pending a documented administrative review of the incident.

See in accordance with the Personnel Complaints Policy for additional guidelines.

300.8 USE OF FORCE COMPLAINTS

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

300.9 TRAINING

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

Subject to available resources, the [training Manager/Supervisor] should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

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

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

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

300.10 USE OF FORCE ANALYSIS

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

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.11 POLICY REVIEW

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

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300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

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

Officer Response to Calls

301.1 PURPOSE AND SCOPE

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

301.2 RESPONSE TO CALLS

Calls for service fall into one of two categories:

- Non-Emergency Calls
- Emergency Calls

NON-EMERGENCY CALLS

When dispatched to a non-emergency call, officers should proceed immediately, directly and safely, to the call by the most expedient route. If an officer determines that other police-related business takes priority over a dispatched call, the officer shall notify the Watch Commander who has the ultimate decision.

Officers should not keep the public waiting for unreasonable lengths of time. Therefore, if a decision is made to handle other police-related businesses or calls prior, the dispatcher will be notified so they can let the reporting party know of the extended time.

Officers shall not disregard calls for service so they can complete reports or personal business. Priority 1 calls shall be responded to without delay.

A single unit will generally be dispatched to handle routine calls for service; however, the nature of some calls may require additional units be dispatched for purposes of safety or more effective handling of a situation. Any additional units dispatched on a call will clear the scene as soon as it has been determined that their presence is no longer needed.

Two units will normally be dispatched on the following types of calls:

1. Officer calling for assistance
2. Any crime in progress
3. Any crime that just occurred where there is a need to check the area for suspects.
4. Calls involving weapons
5. Domestic disturbances
6. Neighborhood disputes that involve a known or suspected potential for violence
7. Disturbances involving intoxicated or disorderly persons
8. Mental subject investigations
9. Alarms
10. Open door or window calls
11. Prowler calls

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12. Upon request of the responding unit
13. Any call for which the Watch Commander or dispatcher believes there is a need for additional officers to respond, either because of the known serious nature of the call or insufficient information exists.

Officers will notify the dispatcher via radio if they are responding to a call for service without being formally dispatched to the call.

EMERGENCY CALLS

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

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

Officers should only respond Code-3 when circumstances reasonably indicate an emergency response is required, while engaged in recuse operations, or are involved in the immediate pursuit of an actual or suspected violator of the law. Officers not dispatched to or directly involved in the emergency response are not authorized to respond Code-3 and shall observe all traffic laws and proceed without the use of emergency lights and siren.

301.3 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 the public. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify the Communications Center.

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

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

301.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Watch Commander authorizes an additional unit(s).

301.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center via the radio that they are en-route to the call Code-3. Generally,

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only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Communications Center shall be notified and the Watch Commander will make a determination as to whether one or more officers driving Code-3 is appropriate.

301.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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

The decision to continue a Code-3 response is at the discretion of the officer. If in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Communications Center via radio, so the Watch Commander and other officers in the field are aware. 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 via the radio.

301.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher is not authorized to assign officers a Code-3 response. The decision and responsibility on whether to respond Code-3 is to be determined by the officer and/or Watch Commander. 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 the officer shall request the responding unit(s) Code-3 and the dispatcher is responsible for repeating the officers request for emergency assistance. When an officer requests an emergency response, 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), if needed.
- (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.

301.7 SUPERVISORY RESPONSIBILITIES

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

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.

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- (c) Affected outside jurisdictions are being notified as practical, if necessary.

The Watch Commander 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.

301.8 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 or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

Media Relations

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

302.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Lieutenants, Watch Commanders, and designated Public Information Officers (Chancellor's Office - Office of Strategic Communications and Public Affairs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

302.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Based upon available resources, 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 Chancellor's Office - Office of Strategic Communications and Public Affairs or other designated spokesperson.
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

302.3.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the

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media shall be coordinated through a supervisor or the Chancellor's Office - Office of Strategic Communications and Public Affairs.

302.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

302.4 POLICY

It is the policy of the University of California Irvine Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

302.5 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

302.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the Chancellor's Office - Office of Strategic Communications and Public Affairs, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the Chancellor's Office - Office of Strategic Communications and Public Affairs.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department

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without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

302.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the Chancellor's Office - Office of Strategic Communications and Public Affairs to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

302.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the Chancellor's Office - Office of Strategic Communications and Public Affairs.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

302.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

302.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger

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the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).

- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

Public Safety Video Surveillance System

303.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

303.2 POLICY

The University of California Irvine Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the University to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist University officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

303.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

303.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected University divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation, or other obstructions, should also be evaluated when determining placement.

The cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public video surveillance system may be useful for the following purposes:

- (a) To prevent, deter, and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending, and prosecuting offenders.

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- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Watch Commander's office and the Communications Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Watch Commander or trained personnel in the Communications Center are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention is prohibited.

303.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

303.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

303.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

303.4.1 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

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Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

303.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule and for a minimum of one year. Prior to destruction, written consent shall be obtained from the General Counsel. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

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.

303.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

303.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the University of California Irvine Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

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303.7 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

303.8 TEMPORARY AUDIO/VIDEO SYSTEMS

The Chief of Police or their designee may authorize the use of temporary audio and/or video systems for investigative purposes, including the use of covertly placed devices. Prior to their deployment, the Support Services Lieutenant or Assistant Chief must approve of their deployment and are responsible for ensuring the use of such systems is in compliance with applicable law and policy, and that sufficient precautions are taken to avoid privacy violations.

Child and Dependent Adult Safety

304.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

304.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The University of California Irvine Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

304.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should

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explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

304.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

304.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any

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child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

304.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 1. Name;
 2. Sex;
 3. Age;
 4. Special needs (e.g., medical, mental health);
 5. How, where and with whom or which agency the child was placed;
 6. Identities and contact information for other potential caregivers;
 7. Notifications made to other adults (e.g., schools, relatives).
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 1. Name;
 2. Sex;
 3. Age;
 4. Whether he/she reasonably appears able to care for him/herself;
 5. Disposition or placement information if he/she is unable to care for him/herself.

304.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

304.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

304.5 TRAINING

The Training Manager is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Handcuffing and Restraints

305.1 PURPOSE AND SCOPE

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

305.2 POLICY

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

305.3 USE OF RESTRAINTS

Only members who have successfully completed University of California Irvine Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.
- The demeanor and behavior of the person detained under 5150 WIC.

305.3.1 RESTRAINT OF DETAINEES

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

305.3.2 RESTRAINT OF PREGNANT PERSONS

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

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code § 3407; Penal Code § 6030).

305.3.3 RESTRAINT OF JUVENILES

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

305.3.4 RESTRAINT OF MENTALLY ILL PERSONS

The handcuffing of a person detained for mental illness is not based on rigid criteria. Officers detaining persons or assisting with a voluntary commitment for mental health evaluation must objectively balance the need for restraints with the impact and effects the restraints may have on the person who has a mental illness.

During transportation, restraints should be used when necessary or in those situations where the person is exhibiting or has exhibited behavior deemed to be a physical danger to themselves or others.

The use of handcuffs in all situations is within the officer's discretion based on objective factors, including the safety of the officer, the detained person and the public, and the ability to completely secure the detained person within a fully secure police vehicle.

305.3.5 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 person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

305.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

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

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

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

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

305.5 APPLICATION OF SPIT HOODS

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

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

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

305.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

305.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

305.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

305.8 REQUIRED DOCUMENTATION

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

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

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

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.

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- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

305.9 TRAINING

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

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

Discriminatory Harassment

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

The University of California Irvine Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

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

306.3 DEFINITIONS

Definitions related to this policy include:

306.3.1 DISCRIMINATION

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

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

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

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306.3.2 SEXUAL HARASSMENT

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

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

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

306.3.3 ADDITIONAL CONSIDERATIONS

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

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

306.3.4 RETALIATION

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

306.4 RESPONSIBILITIES

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

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

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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

306.4.1 SUPERVISOR RESPONSIBILITIES

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

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

306.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

306.4.3 QUESTIONS OR CLARIFICATION

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

306.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

306.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

306.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Director of Human Services, or the Associate Vice Chancellor.

306.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

306.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the Associate Vice Chancellor, or the Director of Human Services, depending on the ranks of the involved parties.

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- (b) Maintained in accordance with the department's established records retention schedule.

306.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

306.7 TRAINING

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

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

306.7.1 STATE-REQUIRED TRAINING

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

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

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

306.7.2 TRAINING RECORDS

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

306.8 WORKING CONDITIONS

The Assistant Chief of Police or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other University employees who are similarly tasked (2 CCR 11034).

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306.9 REQUIRED POSTERS

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

Identity Theft

307.1 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.

307.2 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.

Domestic Violence

308.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

308.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

308.2 POLICY

The University of California Irvine Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

308.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

308.4 INVESTIGATIONS

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

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

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the 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. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

308.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

308.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

308.5 VICTIM ASSISTANCE

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

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

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

308.6 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.

308.7 FOREIGN COURT ORDERS

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

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

308.8 VERIFICATION OF COURT ORDERS

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

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

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

308.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

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308.10 REPORTS AND RECORDS

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

308.11 RECORD-KEEPING AND DATA COLLECTION

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

308.12 SERVICE OF COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by an officer who is present at the scene of a reported domestic violence incident or when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

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1. An officer should ensure that the Records Bureau is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Bureau Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

308.13 PUBLIC ACCESS TO POLICY

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

308.14 DECLARATION IN SUPPORT OF BAIL INCREASE

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

308.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

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

Private Persons Arrests

309.1 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.

309.2 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.

309.3 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.

309.4 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.

309.5 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.

Subpoenas and Court Appearances

310.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the University of California Irvine Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

310.1.1 DEFINITIONS

Subject to Recall - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

On-call (Restricted per FUPOA MOU) - When an employee receives a subpoena of a type which allows him/her to not appear in court, but must remain available by phone or pager so that he/she may be directed to appear in court within one hour of notification.

Trailing Status - When an employee remains on call status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical presence in the specified court.

Court Liaison - The Court Liaison is assigned to facilitate communication and transfer official documents and files between various factions of the justice system and UC Irvine Police Department personnel.

310.2 POLICY

University of California Irvine Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

310.2.1 SERVICE OF SUBPOENA

To be handled by Court Liaison: (a) Prosecution Subpoenas from all of the Orange County Judicial Districts. To be handled by the UCI Police Department Services Division and/or Risk Management: (b) Prosecution Subpoenas from Out-of-County districts. (c) Administrative Subpoenas (DMV, ABC, State Compensation and other Administrative Subpoenas) (d) Work-Related Civil Subpoenas/Notice of Deposition (e) Defense Subpoenas (f) Juvenile Subpoenas (g) Traffic Subpoenas (h) Subpoenas Duces Tecum " Criminal Pitchess motions, discovery motions, and civil subpoenas for UC Irvine Police Department personnel will be accepted by UC Irvine Risk Management or UC Irvine Police Department Services Division. For more information see UCI Policy and Procedures section 700-11C.2.

310.2.2 ACCEPTANCE OF SUBPOENA

(Government Code § 68097.1 and Penal Code § 1328(c) and (d)).

(a) It will be the responsibility of the Court Liaison or other authorized personnel to accept subpoenas whenever possible. When the Court Liaison or other authorized personnel are not

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available, the employee's immediate supervisor will accept subpoenas and immediately forward to the appropriate personnel for processing. Only the employee named in the subpoena, the Court Liaison, Administration Unit personnel or his/her immediate supervisor shall be authorized to accept service of a subpoena.

(b) The Court Liaison or appropriate personnel shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee. Administration Unit personnel will enter all subpoenas into the Orange County Integrated Law and Justice (ILJ) Subpoena System.

(c) **FOR HARDCOPY SUBPOENAS:** When it is reasonable that the employee can be contacted and can properly prepare for the court appearance, the subpoena will be accepted. The Court Liaison, or authorized personnel will promptly provide a copy of the subpoena to the individually named employee.

(d) **FOR ELECTRONICALLY RECEIVED SUBPOENAS:** Subpoenaed personnel who receive an electronic subpoena notification (via e-mail) must acknowledge receipt of said e-mail. All subpoenaed personnel who receive an e-mail notification via the ILJ Subpoena System must click the hyperlink located at the bottom of the e-mail to confirm subpoena acceptance. Employees shall not call Harbor Justice Center to place themselves on-call as instructed in the electronic subpoena. The Court Liaison will be responsible for coordinating on-call status.

(e) The Court Liaison or authorized personnel will determine the serviceability of accepted subpoenas under the authority of CPC 1328 and under the guidelines of this section.

(f) For employees who are subpoenaed to attend a civil action or proceeding as a witness in a litigation matter regarding an event or transaction which he/she was involved in as a course of his/her duties:

1. The party at whose request the subpoena is issued shall reimburse the local agency for the full cost incurred by the local agency in paying the employee his/her salary or other compensation and traveling expenses as provided for in this section, for each day that the employee is required to remain in attendance pursuant to the subpoena.

2. The amount of one hundred fifty dollars (\$150), together with the subpoena, shall be tendered to that local agency for each day that the employee is required to remain in attendance pursuant to the subpoena. (Government Code § 68096.1(b)).

310.2.3 REFUSAL OF SUBPOENA

The Court Liaison will monitor schedules in an effort to avoid accepting subpoenas during previously scheduled training and vacations. If an employee is served with a subpoena during scheduled training or vacation, the employee must return the subpoena to the Court Liaison or other authorized personnel for refusal as soon as possible. Reasonable effort will be made to accommodate the employee's scheduled time off. However, there may be instances where the court may still demand the employee's appearance. Regularly scheduled days off are not valid reasons for refusing a subpoena or missing court.

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The Court Liaison or other authorized personnel may refuse a subpoena if:

(a) The Court Liaison or other authorized personnel knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the Court Liaison or other authorized personnel may refuse to accept service. (CPC 1328 (d)).

(b) A subpoena is presented for service to the Court Liaison or other authorized personnel less than five working days prior to the date listed for appearance, and he/she is reasonably certain he/she cannot complete the service, the Court Liaison or other authorized personnel may refuse to accept service (CPC 1328 (e)).

After receipt of a subpoena, the Court Liaison or other authorized personnel may refuse a subpoena if:

(a) The Court Liaison or other authorized personnel determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the Court Liaison or other authorized personnel shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance. (CPC 1328 (f)).

(b) Illness, family emergency or other event beyond employee's control: The employee shall notify the Court Liaison or other authorized personnel at least one hour prior to the appointed date and time of the court appearance. It shall then be the responsibility of the Court Liaison or other authorized personnel to notify the issuing authority of the employee's unavailability.

(c) Other: If an employee believes he/she cannot attend for any other reason, including travel out of the area during his/her regularly scheduled days off:

1. The employee must submit a memorandum indicating the date(s) they will not be available for court and the reason to a supervisor and receive the supervisor's signature on the memorandum indicating whether the request was denied or approved.

2. The employee must submit the signed memorandum to the Court Liaison or other authorized personnel. The Court Liaison or other authorized personnel will notify the officer if a subpoena received for the dates submitted in the memorandum will be refused or accepted.

3. Submittal of a memorandum does not guarantee refusal of subpoenas received for the dates submitted in the memorandum. The Court Liaison or other authorized personnel will coordinate with the issuing authority and the employee's supervisor for a response to the memorandum.

310.2.4 OFF-DUTY RELATED SUBPOENAS

To facilitate court standby agreements with the courts, employees are required to provide and maintain their current home address, home phone number and cell phone number with the UC Irvine Police Department. Employees are required to notify the Department within 24 hours of any change in residence address or phone numbers, and to provide accurate and reasonably reliable means or methods for contact.

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All off-duty employees scheduled as on-call for court appearances, if called to court, will appear in court within one hour of notification.

(a) The Court Liaison or other authorized personnel will administer the Court On-Call Program. If an employee on standby changes his/her contact information during the day, the employee shall notify the Court Liaison of how he/she can be reached. 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 continue an employee on standby status or excuse them from standby status.

(b) The Court Liaison will be notified by the subpoenaing party when an on-call employee is needed for court. All employees are required to be present within (1) hour of notification. Once at court, the employee is required to notify the subpoenaing party of their presence.

(c) Employees must ensure that a subpoena has been served before any court appearance is made. If a subpoena was not served through the Court Liaison, UC Irvine Police Department or via ILJ subpoena system, the employee must ensure that the subpoena is provided before appearance is made.

(d) The employee is required to receive approval from his/her supervisor for any special agreements they make with the subpoenaing party if it could impact the rate of compensation they may be entitled to or changes to their on-call status.

(e) Harbor Justice Center: All criminal subpoenas will be handled by the Court Liaison. There are two court sessions during the court day. The morning session is generally 0900 to 1200 hours, while the afternoon session is generally 1330 to 1600 hours. Employees will be compensated for up to 7 hours of overtime to cover the aforementioned court sessions. Employees' on-call for the morning session will be notified by 1200 hours by the Court Liaison if they are to remain on-call during the afternoon session. If no notification has been made, the employees' on-call status has been terminated.

(f) Other Courts: The Court Liaison or other authorized personnel will contact the requesting agency for specific on call dates/times. In order to help minimize the length of time requested by other agencies, and to facilitate understanding, the Court Liaison or other authorized personnel will work to narrow the on-call time for individual requests with agencies other than Harbor Justice Center.

310.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

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An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

310.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the General Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the University or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the University of California Irvine Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the University of California Irvine Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

310.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

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310.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

310.3.4 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.

310.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

310.4.1 ON-CALL (RESTRICTED)

(a) Employees required to remain at his/her residence or promptly available by phone or pager while in an off-duty status because he/she is put on-call for court appearance, will receive on-call pay for time spent on-call.

(b) In the event that the morning session on-call status is terminated prior to 1000 on the appearance date, the employee will be compensated for one hour of on-call pay. If on-call status for the afternoon session is terminated prior to 1430, the employee will be compensated for one hour of on-call pay.

(c) When an employee is required to be on-call before and after the court lunch recess, such lunchtime will not be included in determining the employee's on-call pay.

(d) If an employee is on-call for a court appearance and is called to appear in court, time spent on-call shall be credited towards court time.

For example:

Officer Jones is on-call from 0900 to 1130 (2.5 hours) and appears in court from 1330 to 1530 (2 hours). Officer Jones will receive 4.5 hours of work time.

Officer Jones is on-call from 0900 to 1000 (1 hour) and appears in court from 1400 to 1600 (2 hours). Officer Jones will receive 4 hours of work time. (e) To receive compensation for court time, the employee shall submit documentation.

310.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain

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on standby until released by the court, the party that issued the subpoena, or the UCIPD Court Liaison.

310.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

310.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

Victim and Witness Assistance

311.1 PURPOSE AND SCOPE

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

311.2 POLICY

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

311.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the University of California Irvine Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

311.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

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

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

311.4 CRIME VICTIMS AND WITNESSES

Officers should provide all victims with the applicable victim assistance resource materials, and document this in the crime report. This can be accomplished via the officer's business card with the requisite QR code printed on it.

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.

311.4.1 RESOURCE GUIDE DISTRIBUTION

The handling officer should provide or attempt to provide all crime victims with a copy of the UCIPD Resource Guide. The Resource Guide may be delivered electronically, including via web link sent by email or QR code.

The Resource Guide may also be provided or offered to witnesses or other parties, especially to those who may have experienced harm as the result of a crime, but may not technically be the victim of a crime.

311.4.2 OUTSIDE AGENCY ASSISTANCE

Upon awareness that a campus affiliate is the victim or witness of a crime not within the jurisdiction of UCIPD, the department may provide or attempt to provide appropriate information, guidance and assistance in the same manner as if for a UCIPD criminal case, but should coordinate such efforts with the outside agency in question and defer to that agency's discretion so as not to impede their investigatory or service priorities.

311.4.3 VICTIMS OF HUMAN TRAFFICKING

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

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311.5 VICTIM / WITNESS INFORMATION MATERIALS

The department shall ensure that victim information handouts are current and available 24 hours a day via the UCIPD website. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).
- (o) Telephone numbers and contact information for resources and services that the victim / witness may use for further information or questions.

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Victim and Witness Assistance

311.6 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.

Service Animals

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

312.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

312.2 POLICY

It is the policy of the University of California Irvine Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

312.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision;
- Alerting people who are deaf or hard of hearing;
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs;
- Pulling wheelchairs;
- Providing physical support and assisting with stability and balance;
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication;

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- 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.

312.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the University of California Irvine Police Department affords to all members of the public (28 CFR 35.136).

312.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

312.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

312.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

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312.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Off-Duty Law Enforcement Actions

313.1 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 University of California Irvine Police Department with respect to taking law enforcement action while off-duty.

313.2 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.

313.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

313.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects;
- (b) The inability to communicate with responding units;
- (c) The lack of equipment, such as handcuffs, OC or baton;

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Off-Duty Law Enforcement Actions

- (d) The lack of cover;
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene;
- (f) Unfamiliarity with the surroundings;
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

313.4.1 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 University of California Irvine Police Department officer until acknowledged. Official identification should also be displayed.

313.4.2 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.

313.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

313.4.4 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.

313.5 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.

Use of Social Media

314.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

314.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

314.2 POLICY

The University of California Irvine Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events. Additionally, the University of California, Irvine Police Department uses social media to provide an online information source focused on UC Irvine Police Department and Emergency Management issues, projects, news, and events, and is not intended as a public forum.

In the event of an emergency, these platforms will be used for information dissemination, situational awareness, and other general communication with students, staff, faculty, parents, and the community at large.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

314.3 SOCIAL MEDIA WEBSITES

Facebook

<http://facebook.com/UCIrvinePD>

Twitter

<http://twitter.com/UCIrvinePD>

Instagram

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Use of Social Media

<https://www.instagram.com/ucirvinepd/>

314.3.1 MEDIA RELEASE GUIDELINES

	Facebook	Twitter	Instagram
zotALERTs	X	X	
Crime/Community Alerts	X	X	
Emergency Management Blog	X	X	X
Press Release	X	X	X
Arrests of Interest	X	X	X
Community Engagement/Events*	X	X	X

*UCIPD will not post direct photos of minors (under 18)

314.3.2 DENIAL OF ACCESS

UCIPD reserves the right to deny access to any UCIPD social media platforms for any user, who violates the UCIPD Social Media Policy, at any time and without prior notice.

If you wish to contest the removal or hiding of your content, or your denial of access (“banned”/“blocked”) from our social media platforms, you may do so in writing by emailing police@uci.edu.

314.3.3 PRIVACY POLICY

UCIPD records are subject to the Public Records Act. Comments, likes, or other interactions with UCIPD social media accounts are subject to compliance with the University’s public records policy.

314.4 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member’s chain of command.

314.4.1 UCIPD SOCIAL MEDIA ADMINISTRATORS

Sergeant Assigned as UCIPD Social Media Administrator
949-824-5223 (Work)

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314.5 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

314.5.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, and traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

314.6 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the University of California Irvine Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

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314.6.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

314.6.2 BOOKING PHOTO PROHIBITION

Per Penal Code section 13664, members of the department shall not share or post on social media, booking photos of an individual arrested on suspicion of committing a nonviolent crime unless any of the following circumstances exist:

The department has determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.

A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.

There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

For purposes of this section, the following terms have the following meanings:

- (1) "Nonviolent crime" means a crime not identified in subdivision (c) of Section 667.5.
- (2) "Social media" has the same meaning as in Section 632.01, except that social media does not include an internet website or an electronic data system developed and administered by the police department or sheriff's office.

314.7 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, and the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

314.7.1 COMMENTING POLICY

UCIPD welcomes people's rights to express their opinions and encourages posters to keep their comments relevant to the content on the site. While our goal is to foster engaging, informative, and productive conversations, we also expect an acceptable degree of respectfulness and civility from all parties.

Our police media team responds to questions as soon as possible, and monitors all comments during regular business hours. We reserve the right, but do not have an obligation, to delete any comments deemed inappropriate. Our failure to immediately comment upon, or remove a submission, as well as our use of the specific social media account's acknowledgement or response features, should never be seen or treated as an endorsement.

A comment may be deleted if it:

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- Is not topically related to the posting being commented upon;
- Uses abusive, vulgar, offensive, profane, sexual, threatening or defamatory language or content; uses terms that target specific individuals or group based on race, color, sex, sexual orientation, national origin, ethnicity, age, religion, or disability; or suggests or supports illicit or potentially harmful activity;
- Contains commercial advertisement or solicitations, or political endorsements of a person, entity, issue or cause;
- Contains a malicious code, virus, or any other item that may interfere or disrupt the University's technology services, servers, computer systems, or networks.
- Compromises the safety or security of the public or public services, or any member of the University community.

For official business and any feedback requiring prompt action or a formal reply, we welcome you to contact the UCIPD Media Team via email police@uci.edu. If you have an emergency, dial 9-1-1.

314.8 RETENTION OF RECORDS

The Services Division Lieutenant shall work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

314.9 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Emergency Notifications (“zotALERTS”), Timely Warnings (Crime Alert), and Community Advisories

315.1 PURPOSE AND SCOPE

This policy provides guidelines for the development and dissemination of Emergency Notifications (referred to as “zotALERTS”), Timely Warning Notifications (referred to as “Crime Alerts”), and other notifications (referred to as “Community Advisories”) as deemed necessary by the UCI Police Department.

315.2 GENERAL POLICY

When issuing zotALERTS and Crime Alerts, notification to the UCI and UCI Medical Center campus communities will be made in accordance with Title 34 Code of Federal Regulation Part 668, known as the Clery Act. UCI Police Department has the primary responsibility to issue zotALERTS, Crime Alerts and Community Advisories on behalf of UCI and the UCI Medical Center. This policy serves as UCI's institutional policy for decision making and the issuance of such notifications to the UCI and UCI Medical Center campuses.

The Institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or respond to, or otherwise mitigate the emergency.

315.3 DEFINITIONS

zotALERT Notifications: Will normally be issued, as set forth in this policy, utilizing mass text messaging and email and will be based on the best professional judgment of on-duty personnel. Emergency Notifications may be made utilizing other methods of communication to segments of the community, separate and apart from mass text messaging and email system, in compliance with the Clery Act. zotALERT Notifications are issued to the UCI and/or UCI Medical Center campus communities immediately upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on either campus.

Crime Alert Notifications: Will be issued based on the determination of UCI Police Department personnel, as set forth in this policy. Crime Alerts will be distributed community-wide, determined on a case-by-case basis in light of all the facts surrounding a Clery Act crime including, but not limited to such factors as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Crime Alert Notifications issued to the UCI and/or UCI Medical Center campus communities for any Clery Act crime that occurs on UCI Clery Act geography that is considered by the UCI Police Department, to represent a serious or continuing threat to students and employees occurring on either campus.

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~~**Community Advisories:** Are not required notifications under the Clery Act. However, depending on the circumstances of a particular case, notification of non-Clery crimes, or Clery Act crimes that do not rise to the level of issuing a Crime Alert, will be made to specific segments of the UCI community, as deemed necessary by the UCI Police Department. Community Advisories issued for any other suspicious circumstances, events, persons, and/or crimes, that are not one of the enumerated Clery Act crimes, where an advisory notification to a specific segment of the UCI and/or UCI Medical Center campus communities is warranted, as deemed necessary by UCI Police Department personnel.~~

315.4 ZOTALERT PROCEDURES

I. STEP 1: Procedure to Determine zotALERT Notifications for Criminal Activity or Public Safety Situations

1. A zotALERT emergency notification for criminal activity or public safety situations will serve to immediately notify the UCI campus community when the UCI Police Department **Watch Commander on-duty has:**

- (a) "Confirmed" (i.e. confirmation) that there is a significant emergency or dangerous situation, in response to a criminal activity or public safety situation, involving an immediate threat to the health or safety of students and employees occurring on the UCI campus and/or UCI Medical Center campus. A confirmation decision will be made given all of the information that has been reported to the UCI Police Department and that is known at the time of the decision; and
- (b) "Immediate Threat": means an imminent or impending threat.
- (c) "Confirmation": means that an official(s) has verified that a legitimate emergency or dangerous situation exists. This does not mean that all pertinent details are known or even available at the time that an emergency or dangerous situation is confirmed. See section, "**Confirmation for zotALERT Significant Emergency or Dangerous Situations Involving Disease or Illness Outbreak, Weather and/or Hazardous Materials**" below for additional information and guidance on organizations and other personnel involved in the "confirmation" process for these types of potential zotALERT situations. Confirmation is based on several factors: the report, visual observation, from the UCI community or neighboring law enforcement.

2. Once the Watch Commander has made the decision to issue a zotALERT notification, the Dispatcher(s) on-duty will draft and initiate the zotALERT notification system via the mass notification system for significant emergencies or dangerous situations at the UCI campus.

- (a) The zotALERT mass notification system by default notifies the entire UCI community via community-wide email. For individuals on the UCI campus who have opted-in, a zotALERT message is sent via text message to mobile devices as well.
- (b) The zotALERT notification procedures at UCI Medical Center are different than the procedures at UCI. For specific issuance procedures for incidents at UCI Medical Center, see section 359.3.2, "**Procedures for UCI Medical Center**" below.

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- ~~(c) While notification to UCI Police Department Management Chain of Command for issuing a zotALERT is suggested (i.e. notification to the Operations Lieutenant, Services Lieutenant, UCI Health Public Safety Division Lieutenant, Assistant Chief of Police, and/or Chief of Police), such notification to the Chain of Command is not necessary when time is of the essence. The Watch Commander on-duty must make the determination to issue a zotALERT notification immediately, without delay, upon confirmation of a significant emergency or dangerous situation, as set forth in this policy. It is the primary responsibility of the Watch Commander on-duty to make a zotALERT notification determination for both UCI and the UCI Medical Center and then the Dispatcher(s) on-duty, or other personnel as set forth in this policy, will draft the zotALERT message and initiate the mass notification procedures at UCI for issuing out the zotALERT notification or confirmed significant emergencies and dangerous situations that pose an immediate threat at the UCI Medical Center, other notification methods may be utilized to issue a zotALERT emergency notification, as noted in section 359.3.2. "**zotALERT Notification Procedures for UCI Medical Center**" below.~~
- (d) In addition to the Watch Commander on-duty, the Operations Lieutenant, Services Lieutenant, Emergency Services Director, Assistant Chief of Police and Chief of Police have authority to make a determination as to whether a zotALERT notification needs to be issued.

3. If UCI Police Department implements the notification procedures for a zotALERT, it may not be required to implement the notification procedures for a Crime Alert (a Crime Alert is a separate Clergy Act required notification). However, this decision will be made on a case-by-case basis.

4. Examples of the types of emergency and dangerous situations that may present an immediate threat to the UCI and/or UCI Medical Center community include, but are not limited to:

- In-progress serious or violent crime;
- Earthquake;
- Active shooter;
- Hostage / barricade situation;
- Riot / civil unrest;
- Bomb threat;
- Suspicious package with confirmation of a device;
- Tornado;
- Fire / explosion;
- Homicide or suspicious death;
- Structural damage to a UCI-owned or controlled facility;
- Biological threat;
- Significant flooding;

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- Gas leak,
- Hazardous materials spill (e.g. chemical, biological, radiological, nuclear);
- Armed intruder;
- Illness outbreak.
- Other types of emergencies or dangerous situations may arise at any time and will be analyzed on a case-by-case basis based on each situation.

II. Confirmation for zotALERT Significant Emergency or Dangerous Situations Involving Disease or Illness Outbreak, Weather and/or Hazardous Material

The confirmation process for "confirming" other types of significant emergencies or dangerous situations, not directly related to criminal activity or public safety situations, may involve input and consultation from additional UCI and UCI Medical Center departments and personnel, as noted below and as needed, in addition to the UCI Police Department authorized personnel as set forth in this policy.

- **Disease or Illness Outbreak:** significant emergencies or dangerous situations involving a disease or illness outbreak at UCI may be confirmed by members of the UCI Public Health Advisory Committee, UCI Student Health, UCI Emergency Services Director, Orange County Health Care Agency (OCHCA) and/or Environmental Health & Safety (EH&S).
- **Weather:** significant emergencies or dangerous situations involving weather at UCI may be confirmed by the UCI Emergency Services Director, the Orange County Operational Area and/or sources from the National Oceanic and Atmospheric Administration (NOAA) and/or the National Weather Service (NWS).
- **Hazardous Materials:** significant emergencies or dangerous situations involving hazardous materials at UCI may be confirmed by UCI EH&S department, UCI Facilities Management, the UCI Emergency Services Director, the UCI Police Department Watch Commander on-duty and/or personnel from Orange County Fire Authority (OCFA)

III. STEP 2: PROCEDURE TO ISSUE AND SEND OUT zotALERT NOTIFICATIONS

1. zotALERT Notification Procedures at UCI

Once the decision has been made to issue a zotALERT notification utilizing the mass email and text messaging system or other communication method(s) for emergency notifications at the UCI campus, the Dispatcher(s) on-duty will draft the zotALERT notification and initiate sending out the message. The Dispatcher(s) on-duty must use every effort to draft and send out the zotALERT message themselves. For other methods of emergency communication, separate and apart from the mass email and text messaging system, see section 359.3.5, "Other Emergency Notification Communication Methods and Systems at UCI" below.

In the event of an extreme circumstance / emergency situation, and as an absolute last resort, if the Dispatcher(s) on-duty is unable to draft and initiate sending out the zotALERT notification,

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it is the responsibility of the Dispatcher(s) on-duty to notify the Watch Commander on-duty if the Dispatcher(s) is completely unavailable to draft and send out the zotALERT notification given the extreme circumstance / emergency situation. Then, and only then, the individuals listed below may be contacted by the Dispatcher(s) on-duty and/or Watch Commander on-duty to assist with drafting and sending out the zotALERT notification:

- (a) Dispatch Supervisor;
- (b) Emergency Services Director;
- (c) Operation Division Lieutenant;
- (d) Services Division Lieutenant;
- (e) UCI Health Public Safety Division Lieutenant.

The zotALERT mass email and text messaging system is limited to 3,000 characters (including spaces) per message. However, each zotALERT should be limited to 300 characters. A second zotALERT message should be issued if more than 300 characters in the first zotALERT. The second message should begin with, "zotALERT #2". Any additional messages should be numbered sequentially.

The Office of Information Technology (OIT) will automatically convert the zotALERT text message and distribute it via e-mail to all valid UCInetIDs depending on which campus the zotALERT notification is issued to (i.e. the UCI campus and/or the UCI Medical Center email accounts).

The following items should be included in the zotALERT message, if available:

- (a) Always begin the message with the word "zotALERT";
- (b) Type of emergency or dangerous situation that poses an immediate threat to the UCI or UCI Medical Center community;
- (c) Time / location of the incident;
- (d) Guidance on action to take given the situation (e.g. Shelter-in-Place, Evacuate, etc.);
- (e) Suspect description information, if available, relevant and necessary.

Note: a suspect's name should only be included in the zotALERT message only if relevant and necessary. Otherwise, do not include a suspect's name in the zotALERT notification. Per federal law, NO crime victim name or personally identifying information for or about the crime victim is allowed to be included in any zotALERT notification. Additional updates on each zotALERT situation will be issued when and if new information becomes available, until such time that a zotALERT Closure Message is issued, as set forth in this policy.

2. zotALERT Notification Procedures at UCI Medical Center

Once the decision has been made to issue a zotALERT notification utilizing the mass email and text messaging system or other communication method(s) for emergency notifications at the UCI Medical Center campus, the Dispatcher(s) on-duty will draft the zotALERT notification and initiate

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~~sending out the message to the UCI Medical Center campus zotALERT system in accordance with the same procedures utilized for the UCI campus set forth above.~~

Additionally, the Dispatcher on-duty or Watch Commander on-duty (or other police management personnel who may be involved in the issuance of the zotALERT notification) will notify and coordinate with the UC Irvine Health Security and Parking Services Director, or other designee, and/or the UC Irvine Health Director of Environmental Health & Safety / Emergency Manager to issue additional notifications as needed. This emergency notification at the UCI Medical Center campus may be separate and apart from any zotALERT emergency notification issued at the UCI campus as UCI and the UCI Medical Center are two "separate campuses" for purposes of Clery Act compliance and must each separately comply with Emergency Notification and Timely Warning requirements as set forth in this policy. The UCI campus and UCI Medical Center campus zotALERT systems and communication lists are separate notification systems.

In addition to the zotALERT email / text message system discussed above, UCI Medical Center also may utilize the following forms of communication for emergency notifications, including but not limited to: Internal Intranet Homepage;

- UC Irvine Health Everbridge (scheduled implementation, late 2016);
- Zot Mail;
- UC Irvine Health Social Media Websites;
- Desktop Computer Screen Savers;
- Desktop Computer Marquee Banners;
- California Healthcare Alert Network (CaHAN).

zotALERT emergency notifications may also be issued by UCI Medical Center emergency management personnel or other on-duty officials at the UCI Medical Center in certain situations utilizing the various forms of other emergency notification communications available at UCI Medical Center, other than the zotALERT mass email / text message notification system. If the UCI Medical Center has independently issued a zotALERT emergency notification, the UCI Police Department may not be required to issue such a notification as well.

3. Exceptions to Issuing a zotALERT Emergency Notification

The only exceptions to issuing a zotALERT emergency notification are whether a notification will, in the judgment of UCI Police Department first responders, (or other first responders who may respond to a given situation), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. This exception should not be construed broadly and is a very limited / narrow exception that will apply in rare circumstances only. When in doubt, a zotALERT emergency notification should be issued to the UCI and/or UCI Medical Center communities when there is confirmation of an emergency or dangerous situation that poses an immediate threat to the health or safety of students and employees on the UCI and/or UCI Medical Center campus.

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315.5 ZOTALERT CLOSURE MESSAGE

When a zotALERT message is issued, a follow-up zotALERT Closure Message should be issued when the emergency or dangerous situation no longer poses an immediate threat, is under control, and/or the guidance provided in the zotALERT is no longer required.

- Sample Template Closure Message Script: “zotALERT The situation is all clear. Resume normal activity.”

315.6 ANNUAL NOTIFICATION TO MEMBERS OF THE UCI COMMUNITY

All members of the UCI and UCI Medical Center communities (prospective and current students, staff and faculty) are notified on an annual basis via the Clery Act Annual Security Report publication that they should notify the UCI Police Department of any situation or incident that involves a significant emergency or dangerous situation that may involve an immediate, serious or continuing threat to the health or safety of students and/or employees at either the UCI campus or the UCI Medical Center campus. UCI Police Department has a duty to respond to such incidents to determine if the situation does, in fact, pose an immediate, serious or continuing threat.

On a case by case basis, information may be distributed to the larger community. The different communication methods are as follows:

- zot Radio AM 1690
- Radio FM 88.9KUCI
- UC Irvine's webpage
- Issue a public information release
- Facebook <https://www.facebook.com/UCIrvinePD>
- Twitter <https://twitter.com/UCIrvinePD>

315.7 OTHER EMERGENCY NOTIFICATION COMMUNICATION METHODS AND SYSTEMS

I. At UC Irvine

UCI has other various communication methods and systems in place, in addition to the zotALERT mass text message and email system, for broadcasting and sending out information quickly to the UCI community. Some or all of these additional methods of emergency communication may be activated in the event of a significant emergency or dangerous situation that poses an immediate threat to the UCI and/or UCI Medical Center communities involving an emergency or dangerous situation. Such methods and systems include, but are not limited to:

- (a) Campus Voice Mail;
- (b) Alertus Desktop Notification;
- (c) Student Portal Announcements;
- (d) KUCI Radio Station;
- (e) Zot Radio WQTB 1690 AM /KUCI Radio FM 88.9;

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- (f) Zot Mail;
- (g) Marquee Message Boards;
- (h) UCI Social Media Websites / UCI Police Department Social Media Websites (e.g. Blog, Facebook, Twitter, Nixle, Google +);
- (i) UCI Homepage;
- (j) UCI Preparedness Website
- (k) Messages to Smart Classrooms;
- (l) 866-IRV-NEWS (MIR3);
- (m) Call Experts – Call Center;
- (n) UCI Police Department Vehicle Public Address Systems, Bull Horns, etc.;
- (o) 800 MHz Radios with Campus Channels;
- (p) 800 MHz Radios with OC Channels;
- (q) Department Phone Listings;
- (r) Building Fire Alarm Systems.

II. At UCI Medical Center

UCI Medical Center has various communication methods and systems in place in addition to the zotALERT mass text message and email system, for broadcasting and sending out information quickly to the UCI community. Such methods and systems include, but are not limited to:

- (a) UC Irvine Health Everbridge (scheduled implementation, late 2016);
- (b) Internal intranet homepage;
- (c) Zot Mail;
- (d) UC Irvine Health Social Media Websites;
- (e) Computer Terminal Screen Savers;
- (f) Computer Terminal Marquee Banners;
- (g) California Healthcare Alert Network (CaHAN);
- (h) UC Irvine Health Social Media Websites;
- (i) UC Irvine Health Desktop Marquee Banners;
- (j) UC Irvine Health Computer Terminal Screen Savers.

315.8 TIMELY WARNINGS (CRIME ALERT) PROCEDURES

STANDARD FOR ISSUING A CRIME ALERT NOTIFICATION

In order to help safeguard the UCI and UCI Medical Center communities, to increase crime awareness and to meet the Clery Act Timely Warning (“Crime Alert) requirements, a UCI and/or UCI Medical Center Crime Alert will be issued following the report of a Clery Act crime that is made to the UCI Police Department and that meets the Clery Act timely warning standard, triggering

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~~the Crime Alert notification procedures set forth below. Issuance of a Crime Alert is not required based on the same circumstances and factors as a zotALERT notification (i.e. an Emergency Notification under the Clery Act).~~

UCI Police Department is required to notify the UCI and/or UCI Medical Center communities of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. These notifications are called Timely Warnings (referred to as “Crime Alerts” at UCI) under the Clery Act. Although the Clery Act does not define the word “timely,” because the intent of a warning regarding a criminal incident(s) is to allow people to take precautions for their personal safety, this means that a Crime Alert should be issued as soon as pertinent information about the crime is available. Even if not all of the facts surrounding a criminal incident(s) are available, UCI Police Department will issue a Crime Alert for any reported Clery Act crime(s) that meets the criteria set forth below, in accordance with the determination guidelines for deciding whether a Crime Alert should be issued on a case-by-case basis. UCI Police Department may follow up with additional information as it becomes available (if follow up information is deemed necessary).

Clery Act Crime Alert Standard:

A Crime Alert must be issued community-wide for any Clery Act crime where such Clery Act crime is reported to the UCI Police Department or to a Campus Security Authority (“CSA”), who in turn reports the crime to the UCI Police Department, and the reported crime is considered by the UCI Police Department to represent a serious or continuing threat to students and employees.

1. The determination to issue a Crime Alert is made on a case-by-case basis in light of all of the facts surrounding a reported Clery Act crime including, but not limited to factors such as:

- The nature of the crime;
- The continuing danger to the campus community;
- The possible risk of compromising law enforcement efforts;
- Whether a suspect has been apprehended and/or arrested;
- Whether there has been a pattern or series of similar crime;
- The potential risk of others becoming a victim of similar crimes.

2. Clery Act crimes include the following:

- Criminal Homicide (Murder, Negligent Manslaughter and Non-Negligent Manslaughter);
- Sex Offenses: Rape, Fondling, Incest, Statutory Rape;
- Robbery;
- Aggravated Assault;
- Burglary;

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- Motor Vehicle Theft,
- Arson;
- Hate Crimes;
- Domestic Violence;
- Dating Violence;
- Stalking.

315.9 DETERMINATION TO ISSUE A CRIME ALERT NOTIFICATION

The decision making authority to issue a Crime Alert is granted to the following personnel when a Clery Act crime is reported to the UCI Police Department (i.e. reported directly to the UCI Police Department or to a Campus Security Authority ("CSA") who in turn submits a CSA Report in a timely manner to the UCI Police Department) and is considered by such personnel to represent a serious or continuing threat to students and employees.

1. Crime Alert Decision Making Authority:

- (a) Chief of Police;
- (b) Assistant Chief of Police;
- (c) Lieutenant;
- (d) Clery Act Compliance Manager.

2. The UCI Police Department may elect not to issue a Crime Alert, when circumstances may otherwise exist to issue a Crime Alert, in very limited circumstances, only if:

- (a) The UCI Police Department or other law enforcement agency apprehends the suspect(s) of a Clery Act crime and the serious or on-going threat to students and employees of the UCI and/or UCI Medical Center community has been mitigated and/or removed by the apprehension or arrest of such suspect(s), or if it is otherwise determined by a member of the UCI Police Department (who holds Crime Alert Decision Making Authority) that a serious or on-going threat does not exist after the report of a Clery Act crime is made to the UCI Police Department.
- (b) A crime report was not filed with the UCI Police Department or if the UCI Police Department was not notified of the Clery Act crime report in a manner that would allow the UCI Police Department to issue a "timely" warning to the UCI and/or UCI Medical Center community. The determination as to "timeliness" will be made on a case-by-case basis for each reported Clery Act crime. A general guideline that will be considered by the UCI Police Department when making this determination will include a report of a Clery Act crime that is filed more than 10 days after the date of the alleged incident as such a report may not allow UCI Police Department to issue a Crime Alert that is "timely" to the UCI and/or UCI Medical Center communities. However, this 10 day general guideline does not prevent a Crime Alert from being issued if other Crime Alert decision making factors otherwise warrant that a Crime Alert should be issued in a particular case. This type of situation and determination will be evaluated on a

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~~case-by-case basis by a member of the UCI Police Department who has Crime Alert Decision Making Authority.~~

3. The UCI Police Department may elect to delay issuing a Crime Alert for a very short period of time in limited circumstances, only if it determines that a Crime Alert will jeopardize a criminal investigation. If it is determined by the Chief of Police, Assistant Chief of Police, or a Lieutenant that issuing a Crime Alert will jeopardize a criminal investigation, certain information may be withheld from the Crime Alert or the issuance of a Crime Alert will be delayed until the criminal investigation is no longer likely to be jeopardized from the release of that information. Additionally, before a Crime Alert is issued, consideration will be given to notifying a crime victim(s) before Crime Alerts are issued to the UCI and/or UCI Medical Center communities.

4. Exemption for Pastoral and Professional Counselor Reporting: Under the Clery Act, the issuance of a Crime Alert is not required with respect to Clery Act crimes that are reported to a pastoral counselor or professional counselor at UCI and/or UCI Medical Center who is practicing within the scope of his/her license, or such person who is otherwise determined to be exempt or otherwise not required to report crimes under the Clery Act (i.e. individuals not designated Campus Security Authority reporter).

315.10 CRIME ALERT EVALUATION FORM

For any Clery Act crime that is reported to the UCI Police Department, a Crime Alert Evaluation Form will be completed and authorized primarily by the Investigations Division Lieutenant (or other member of the UCI Police Department Management Team who has Crime Alert Decision Making Authority). This form will serve to document the decision making process for determining whether conditions existed, at the time of the reported Clery Act crime, to issue a Crime Alert to the UCI and/or UCI Medical Center community.

Decisions to issue Crime Alerts are made on a case-by-case basis in light of all of the facts surrounding a Clery Act crime reported to the UCI Police Department. These Crime Alert Evaluation Forms will be kept in the UCI Police Department’s Administrative Clery Act files for the calendar year in which each evaluation decision is made, in accordance with the applicable Clery Act records retention requirements. A copy of the UCI Police Department police report (once approved by the Records Unit) may accompany each Crime Alert Evaluation Form for documentation purposes.

315.11 CRIME ALERT DISTRIBUTION PROCESS

The Crime Alert distribution process will include:

1. A ZotMail (i.e. the community-wide email system) email notification to the UCI and/or UCI Medical Center community in order to reasonably reach all students, staff and faculty.
2. The Crime Alert distribution process may additionally include any of the following:
 - (a) Physical postings of Crime Alert bulletins in impacted areas by local personnel (e.g. in residential areas by residential life / student housing staff); and/or

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- ~~(b) Electronic postings on the UCI Police Department webpage at www.police.uci.edu. It is the general policy of the UCI Police Department to post Crime Alerts on the UCI Police Department webpage during the calendar year in which the Crime Alert is issued. Past Crime Alerts will be archived on the UCI Police Department webpage under the calendar year in which they were reported, unless determined otherwise by members of the UCI Police Department Management Team. UCI Police Department may also post Crime Alerts on social media pages, which include, but are not limited to: Facebook: <http://facebook.com/UCIrvinePD>; Twitter: <http://twitter.com/UCIrvinePD>; Nixle: <http://nixle.com/University-of-California-Irvine-Police-Department>.~~

315.12 COMMUNITY ADVISORIES

Depending upon the circumstances of a particular case, incident or crime report, notification of particular crimes that are not Clery Act crimes, or incidents that do not rise to the level of where a Crime Alert may be required, may be made by the UCI Police Department to specific segments of the UCI and/or UCI Medical Center communities. Community Advisories may be limited to a clearly defined segment(s) of the community based on the facts of the particular situation in which a Community Advisory is being issued (e.g. crimes targeting campus resident students, crimes targeting research laboratories, crimes targeting specific campus populations, etc.).

Members of the UCI Police Department Management Team (i.e. Chief of Police, Assistant Chief of Police, Operations Division Lieutenant, Services Division Lieutenant, Public Safety Lieutenant, Emergency Services Director and Director of Administration) may decide that a crime or other incident that has occurred on or near the UCI or UCI Medical Center campuses warrants the issuance of a Community Advisory notification.

A Community Advisory may be issued for a specific campus population and may be sent out to key UCI and/or UCI Medical Center department contact personnel for notification to their respective populations, as deemed necessary by the UCI Police Department. The issuance of a Community Advisory notification in one situation does not set a precedent for the issuance or non-issuance of a Community Advisory notification in another situation. Community Advisories will be issued by UCI Police Department personnel as deemed appropriate on a case-by-case basis. Community Advisory notifications are not required by the Clery Act and are a tertiary level of notification available to the UCI Police Department to assist in helping to create a safe community at UCI and UCI Medical Center.

Native American Graves Protection and Repatriation

316.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

316.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

316.2 POLICY

It is the policy of the University of California Irvine Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

316.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

316.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Gun Violence Restraining Orders

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

317.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

317.2 POLICY

It is the policy of the University of California Irvine Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

317.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

317.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

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- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

317.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Analyst for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

317.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Analyst for filing with the court and appropriate databases.

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317.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

317.6 RECORDS ANALYST RESPONSIBILITIES

The Records Analyst is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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317.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

317.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

317.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
 1. A temporary emergency gun violence restraining order.
 2. An ex parte gun violence restraining order.
 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 2. Whether the potential victim is within close proximity.
 3. Whether the person has expressed suicidal tendencies.
 4. Whether the person has access to firearms.
 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.

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7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the Records Analyst for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Manager to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

317.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Detective Bureau supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

317.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

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317.12 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Crowd and Demonstration Management

318.1 INTRODUCTION

In the United States all people have the right of free speech and assembly guaranteed by the First Amendment of the Constitution. The First Amendment states ***"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."***

A fundamental role of law enforcement is the protection of the rights all people have to peacefully assemble, demonstrate, protest, or rally. In turn, law enforcement also has the responsibility to ensure public safety and to protect the lives and property of all people. The sometimes competing goals of maintaining order while protecting the freedoms of speech and assembly stand as one of law enforcement's greatest challenges.

318.1.1 PURPOSE AND SCOPE

This Policy is to provide an outline of basic steps to be taken and/or considered by the UC Police Department in the management of demonstrations. "Demonstration", for the purposes of this policy, is any public assembly or gathering and includes a wide range of First Amendment activities. Such activities generally include participants, onlookers, observers, media, and other persons who may agree or disagree with the point of view of the activity. This policy also covers all events or crowd situations, including sporting events, festivals, concerts, celebratory crowds, and demonstrations as defined above.

Crowd behavior exists on a continuum ranging from lawful assembly to civil disobedience to rioting. Not all crowd situations involve unlawful behavior. Law enforcement's responsibility is to objectively discern at what juncture a demonstration leaves the realm of legal protest and becomes an abridgement of the rights of others. Law enforcement should seek to facilitate lawful expression by groups who are present even when unlawful activity occurs. The goal should be to protect lawful activity while identifying and isolating unlawful behavior.

318.2 UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT OBJECTIVES

Law enforcement must carefully balance the First Amendment rights and other civil liberties of individuals with the interventions required to protect public safety and property. When establishing policies and procedures, every agency should consider that all persons have the right to assemble, demonstrate, protest, rally, or perform other activities protected by the First Amendment of the United States Constitution. Law enforcement has the responsibility to protect the lives and property of all people. Peace officers must not be affected by the content of the opinions being expressed nor by the race, gender, sexual orientation, physical disabilities, appearances, religion, or political affiliation of anyone exercising their lawful First Amendment rights. They must have the integrity to not let personal, political, or religious views affect how they perform their duties.

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Law enforcement planners should be proactive in consulting and collaborating with their campus' administrative leaders of the identified strategies and plans for specific events. Such interactions will help establish responsibility and accountability at all levels.

Issues to consider (not in priority order):

- Protection of Constitutional rights;
- Fair and impartial enforcement of laws;
- Protection of life and property;
- Protection of vital facilities;
- Prosecution of violators;
- Public and peace officer safety;
- Potential for disruption to commerce and community affairs.

318.3 PRINCIPLES OF CROWD MANAGEMENT

Any public assembly or gathering, whether for lawful or unlawful purposes, may require the response of law enforcement. The response can range from observation to engaging in various crowd management strategies. Not all crowd situations involve unlawful behavior. UCPD's responsibility is to objectively discern at what juncture a demonstration leaves the realm of legal protest and becomes an abridgement of the rights of others. UCPD should seek to facilitate lawful expression by groups who are present even when unlawful activity occurs. The goal should be to protect lawful activity while identifying and isolating unlawful behavior.

Effective response to crowd management events necessitates adherence to certain foundational principles (not in priority order):

- Leadership;
- Knowledge of Constitutional law;
- Knowledge of law and University policies as they relate to use of force and information gathering;
- Proper planning;
- Participation in the University event planning team;
- A willingness to reach out to protest groups and stakeholders;
- Using time, patience, and communication to attempt to facilitate lawful protest activities and obtain voluntary compliance when feasible;
- Use of the Incident Command System (ICS) and Standardized Emergency Management System (SEMS) to maximize proper command and control;
- Appropriate use of the UC and the statewide mutual aid systems;
- Seeking support of University and public agency resources;

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- Training;
- Situational awareness;
- Proper incident documentation;
- Thorough and complete criminal investigations;
- Effective strategies and tactics;
- Objectively reasonable use of force;
- Liaison with the media and a well-managed media relationship;
- Understanding and working with social media and electronic communication.

318.4 UNIVERSITY AND COMMUNITY STAKEHOLDERS

Stakeholder involvement is critical for effective law enforcement response to crowd management events. UCPD shall embrace collaboration with stakeholders when planning for and responding to public assemblies and gatherings. Stakeholders may include (not in priority order):

- Chancellor's office;
- University administration;
- Academic Senate leadership;
- Student government;
- Labor organizations;
- Student group leadership;
- Religious groups/clergy;
- Local city/county administration;
- Special interest groups.

318.5 INCIDENT COMMAND SYSTEM (ICS)

The ICS is considered the model for managing the response to critical incidents including crowd management and civil demonstrations. Law enforcement's use of ICS is outlined in the *Law Enforcement Guide for Emergency Operations*.

ICS consists of the following five organizational levels that are activated as necessary:

- Field Response;
- Local Government;
- Operational Area;
- Region;
- State.

The Field Response Level also consists of five primary Incident Command System functions:

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- Command;
- Operations;
- Planning/Intelligence;
- Logistics;
- Finance/Administration.

318.6 INCIDENT / EVENT PLANNING

Planning and preparation are essential elements of effective crowd management. The planning process establishes a foundation for informed decision-making and accountability. For pre-noticed events, UCPD has the opportunity to develop in-depth operational plans. Prior planning experiences and after-action reports can provide a basic level of guidance and operational consistency when planning for pre-noticed events and responding to spontaneous incidents.

UCPD leadership in conjunction with the University's event planning team will apply the principles of the Incident Command System when developing operational plans, to include the use of ICS forms.

Incident/event planning steps may include (not in priority order):

1. Determining command and control.
 - a. Establishing senior campus administration leadership;
 - b. Identifying incident, operations, and tactical commanders;
 - c. Outlining the circumstances in which command and control responsibilities transfers to another level;
 - d. Identifying staffing requirements for department operations center and/or emergency operations center.
2. Identifying and establishing incident objectives.
3. Developing a flexible operations plan.
4. Identifying partner law enforcement agencies (local, state, and federal as applicable).
5. Considering cross-jurisdictional issues.
6. Contacting police agencies that have prior experience with similar events or groups.
7. Identifying and conferring with other city/county/state agencies that can contribute logistical support.
8. Determining operational security needs.
9. Developing protocols for event information gathering and disseminating.
10. Meeting with event organizers.
11. Identify potential protest groups and offering to meet with them.

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12. Meeting with advocacy groups and other stakeholders.
13. Researching applicable laws/ordinances/regulations.
 - a. Considering reasonableness of any "Time, Place and Manner" restrictions.
14. Reviewing use of force policies and procedures, including:
 - a. Level of authorization required;
 - b. Authorized equipment/tools/techniques;
 - c. Reporting protocols.
15. Reviewing parameters and methods for declaring an "unlawful" assembly.
16. Planning for media contact, including:
 - a. Establishing procedures for information dissemination;
 - b. Identifying Public Information Officer(s);
 - c. Establishing procedures for media access;
 - d. Establishing staging area(s).
17. Outlining crime investigation/arrest protocols.
 - a. Multi-agency/jurisdictional events.
18. Identifying and arranging for specialized support units (e.g., mounted, bicycles, other special vehicles, air or marine support, mobile field force, haz-mat).
19. Considering the use of plain-clothes resources.
20. Arranging for adequate administrative/support personnel (e.g., communications, transportation, booking, records, detention, medical).
21. Setting up logistical support for officers.
 - (a) Food and water;
 - (b) Rest intervals;
 - (c) Specialized equipment;
 - (d) Personal protective equipment;
 - (e) Mass-arrest supplies;
 - (f) Spare vehicles and fuel;
 - (g) f. Property and evidence control;
 - (h) Storage;
 - (i) Consideration for bio-hazards;
 - (j) Security of key facilities and staging areas;

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- (k) Decontamination.
- 22. Considering interoperability issues (e.g., individual communications such as radios and cell phones).
 - a. Developing a communications plan.
- 23. Identifying available translators when needed.
- 24. Arranging for other equipment (e.g., barriers, fencing, cutting equipment, containment alternatives).
- 25. Arranging for vehicle removal/towing capability.
- 26. Developing a demobilization plan.
- 27. Considering post-event scene stabilization to prevent recurrence of unlawful activity.
 - a. Methods and resources;
 - b. Short-term requirements;
 - c. Long-term requirements.
- 28. Ensuring timely post-event debriefing.
- 29. Considering soliciting input from event organizers.
- 30. Producing a written after-action report outlining lessons learned and training opportunities.
 - a. Establish a retention plan for operational plans and after-action reports;
 - b. Reviewing standing plans for effectiveness.

318.7 CROWD BEHAVIOR

UCPD must be aware of the various types of behaviors associated with crowds that may result in a law enforcement response. Although crowds tend to be categorized as either lawful or unlawful, they are often a blend of both and the individuals involved can engage in various behaviors. These behaviors can vary from lawful assembly to individual criminal acts to civil disobedience to rioting. If feasible, UCPD officers should identify and isolate unlawful behavior.

A sampling of crowds and crowd behaviors (not in priority order):

Crowds:

- Anarchists
- Community celebrations
- Crime scenes
- Disasters
- Entertainment events
- Labor disputes

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- Media events
- Controversial speakers and events
- Mobile crowds
- Flash mobs
- Parades
- Parties/social gatherings
- Political events
- Product release/commercial activity
- Social agenda driven events (e.g., abortion, animal rights, jury decisions, environmental issues, religious, etc.)
- Sporting events
- Traffic collisions

Crowd Behaviors:

- Lawful
- Violations of student conduct/civil disobedience
- Isolated unlawful
- Unlawful
- Riotous

318.8 MUTUAL AID AND MULTI-AGENCY COORDINATION

The size and magnitude of an event requiring UCPD response will dictate the need for multi-agency coordination and cooperation to efficiently provide adequate mutual aid resources. Critical elements of applying mutual aid to an event will include pre-event planning (if possible), well-defined missions and objectives, specific uniform and equipment requirements, identified staging areas and incident facilities, adequate briefings, an incident action plan, use of force considerations, communication plan, arrest protocols, logistical support (food, lodging, rest intervals, etc.), and financial agreements (if contractual mutual aid for a planned event).

318.9 PUBLIC AGENCY AND COMMUNITY BASED RESOURCES

Collaborating with other public agencies and community-based resources is necessary for effective law enforcement response to crowd management events. UCPD should use available public agency and community-based resources when planning for and responding to crowds.

Public agency and community-based resources may include (not in priority order):

- Adjacent law enforcement agencies (i.e., mutual aid);
- District Attorney/ University Counsel;

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- EMS providers/ambulance services;
- Fire services;
- Hospitals;
- Judiciary;
- Parole and probation;
- Public health services;
- Transportation Departments;
- Facility Departments/Public works;
- Red Cross/Salvation Army or other similar service providers;
- Animal control;
- Utility companies;
- Social services;
- California Emergency Management Agency.

318.10 TRAINING FOR MANAGING CROWDS

It is important to prepare for incidents through recurring training and simulation exercises. Command personnel need to understand resources, operational strategies, capabilities, force options, and limitations of field forces as well as the law and policies. Operational personnel need to understand the law, policy, tactics, and mission objectives.

Officer discipline and restraint is an essential component in successfully managing crowds. Discipline is achieved through regular training in the areas of tactical fundamentals and First Amendment rights. Training should be an ongoing process. Training should be relevant and realistic.

Training may include (not in priority order):

- Agency policies and procedures;
- Arrest and control techniques;
- Baton/impact weapon techniques;
- Case and statutory law;
- Command decision-making;
- Crowd dynamics;
- Incident Command Post and field exercises;
- Intervention strategies;
- ICS/SEMS;

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- Less-lethal kinetic energy munitions;
- Mass-arrest;
- Media relations;
- Mobile Field Force;
- Mutual aid;
- Nonlethal chemical agents;
- Supervisory leadership;
- Tactical decision-making
- Team arrest techniques.

318.11 INFORMATION GATHERING AND ASSESSMENT

Gathering and analyzing information about an event can dramatically increase the effectiveness of an UCPD's planning and response to incidents involving crowd management. When estimating the impact of an anticipated event,

UCPD must consider the need to:

- a. Protect the rights of persons to lawfully assemble and express their opinions;
- b. Preserve the peace;
- c. Deploy officers for crowd and traffic control.

The collecting of information must be for a reasonable law enforcement purpose and be mindful of Constitutional rights. A reasonable law enforcement purpose means that the information being collected is intended to:

- a. Assist the agency in facilitating event-related activities;
- b. Assist the agency in providing a public safety response;
- c. Address unlawful conduct"either past, present, or anticipated;
- d. Not solely focused on the exercise of rights guaranteed by the First Amendment.

A pre-event assessment may include:

- (a) Determining the time of assembly, duration of event, location, and type of activities planned;
- (b) Estimating the number of persons expected to participate or observe;
- (c) Reviewing any previous events involving the same or similar groups.
- (d) Assess actions and equipment utilized by groups in prior incidents;
- (e) Analyzing the expected time of arrival and departure, and the means and routes of travel for participants;
- (f) Attempt to determine impact on public transportation, freeways and roadways;

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- (g) Attempt to determine impact on commerce and public accessibility;
- (h) Analyze potential activities and hazards along the route;
- (i) Analyzing the potential for opposing/counter groups;
- (j) Assessing public safety concerns associated with the event.

When gathering information about groups and their actions, UCPD should confer with University legal counsel regarding guidelines and court decisions related to the collection and dissemination of information.

318.12 INCIDENT DOCUMENTATION

Thorough documentation is a key element which supports not only criminal investigation and prosecution, but also gives an account of UCPD's response to an event. Documentation should begin with the planning process. Proper documentation can aid UCPD in addressing complaints, civil litigation, and requirements for potential reimbursement. UCPD should ensure record retention protocols are followed.

Use of force should be reported consistent with agency policy. UCPD shall ensure that use of force is accounted for and reported to the Incident Commander prior to the conclusion of the law enforcement response. UCPD should anticipate that all documentation, including electronic communications, may be subject to subpoena and Public Records Act, Government Code §6250-6270 requests.

Methods of documentation may include (not in priority order):

- Still photography;
- Audio recording;
- Video recording;
- Written log/journal;
- Reports (including after-action reports and any appropriate ICS forms);
- Media reports/open source footage;
- Communication, dispatch tapes and printouts.

Subjects to be documented may include (not in priority order):

- Pre-event planning;
- Incident/Event Action Plan;
- Records of law enforcement decisions and information;
- Records of law enforcement actions in response to the event;
- Property damage;
- Injuries and claims of injuries (participants and law enforcement);

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- Collective and individual behavior of participants;
- Individual arrests;
- Individual officer's actions;
- Use of force;
- Evidence/property collected;
- After-action report.

318.13 COMMAND AND CONTROL

UCPD should use the Incident Command System (ICS) as a basis to structure a law enforcement response to crowd management events. The Incident Commander is in command of the event. The Incident Commander must establish the objectives of the incident action plan, consider new information, continually re-evaluate the situation, assess available resources, and balance competing demands to best achieve incident objectives.

Establishing a clear command structure during an incident is essential. Unity of command is the concept that each officer is assigned to only one supervisor. It clearly identifies the individual in charge of any specific group of officers, function or assignment. Unity of command provides for effective management of both pre-planned and spontaneous events.

When responding to a spontaneous event, individuals of any rank may serve as Incident Commander until relieved by a ranking officer. All personnel should be trained in the Incident Command System.

A key principle for establishing unity of command is that each individual in a command or supervisory role knows the following:

- To whom he/she reports;
- His/her role, responsibilities, and objectives;
- What resources are allocated and available;
- His/her geographical or functional area of operation.

The transfer of command, at any level, requires the person assuming command to:

- Assess the situation with the current Incident Commander;
- Receive a briefing from the current Incident Commander;
- Determine an appropriate time for the transfer of command;
- Document the transfer of command;
- Notify others of the change of command.

318.14 LEADERSHIP RESPONSIBILITIES

A key component to the success of any crowd management event is that all personnel demonstrate competent leadership, regardless of rank. Effective leaders are accountable, organized, and

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decisive; they delegate appropriately, provide clear direction, and lead by example. Leadership at critical incidents should be guided by UCPD policies, procedures, and the law.

Leadership responsibilities may include (not in priority order):

- Understanding and maintaining focus on the objectives;
- Being available for decision-making;
- Accepting responsibility;
- Being proactive to reasonably control emotional responses of on-scene personnel;
- Making adjustments to operational tempo as needed;
- Communicating throughout the chain of command as required;
- Instilling confidence;
- Emphasizing teamwork and avoiding individual action;
- Recognizing and addressing safety concerns of personnel;
- Continuously reassessing the situation and adjusting the response as necessary.

318.15 CRIMINAL INVESTIGATION

Crowd behaviors that result in criminal activity should be investigated and documented. Statutory offenses may include, but not be limited to, trespass, unlawful assembly, failure to disperse, assault, rioting, vandalism, and conspiracy.

Private person's arrests should be considered when appropriate. Arrests should be based upon applicable laws and advice from prosecutors. Conspiracy charges may be appropriate but are sometimes overlooked. Student conduct violations should be documented and reported to student affairs administrators.

Investigative considerations may include (not in priority order):

- Identifying crimes;
- Consulting with University legal counsel/district attorney prior to and after the event;
- Identifying a master report writer/case agent;
- Identifying an evidence coordinator;
- Gathering documents that may aid in an investigation (including press releases, Internet material, signs, banners, etc.);
- Obtaining available video evidence;
- Reviewing each arrest;
- Recording specific chants with nexus to unlawful activity and, when possible, identifying who is leading them;
- Photographing/video recording the event;

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- Maintaining evidence beyond the criminal prosecution, pending potential civil litigation;
- Collecting samples of weapons (rocks, bottles, etc.) utilized in the commission of a crime.

Evidence considerations for conspiracy investigations may include (not in priority order):

- Clothing and items showing affiliation with similar groups;
- Computers and storage devices;
- Documents (correspondence, address books, journals, etc.);
- E-mail;
- Manifestos;
- Photographs (including criminal activity and assembly site before and after);
- Posts on social media and Internet sites;
- Telephone records;
- Video recordings.

Note: *Seizures of some of these items may require a search warrant*

318.16 CROWD MANAGEMENT, INTERVENTION, AND CONTROL STRATEGIES

Lawful gatherings may often conclude without any need for law enforcement intervention. Every event should be independently assessed to determine the tactics that will effectively support and facilitate First Amendment activity, and provide for public safety. Tactics employed may evoke a positive or negative response (e.g., a strong "show of force" may calm and disperse a crowd or incite them). The intervention strategies agencies utilize will depend upon available resources and the totality of the circumstances. Crowds and criminal acts committed by participants within the crowd require a flexible response. Strategies include containment, control, communication, tactical information, coordination and response. Planning for crowd management incidents should include consideration of contingencies.

Crowd management, intervention, and control strategies and tactical considerations may include (not in priority order):

- Establishing contact with the crowd;
- Gaining verbal compliance;
- Supporting and facilitating First Amendment activities;
- Developing a traffic management and/or control plan;
- Using crowd control and dispersal methods;
- Protecting critical facilities;
- Providing a high-visibility law enforcement presence.

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Note: For a more comprehensive list of considerations, see [Appendix B](#).

318.17 DISPERSAL ORDERS

UCPD should understand the law as it pertains to an unlawful assembly. The decision to declare a crowd unlawful must be based upon reasonable and articulable facts. The definition of an unlawful assembly has been set forth in Penal Code section 407 and interpreted in court decisions. The terms "boisterous" and "tumultuous" as written in Penal Code section 407 have been interpreted as conduct that poses a clear and present danger of imminent violence [In re [Brown](#) (1973) 9 Cal. 3d 612, 623.].

The intent of a dispersal order is to permanently disperse a crowd, not to merely relocate the problem. It should be made clear that the crowd is expected to immediately leave the area, and include a warning that force may be used which may inflict significant pain or result in serious injury [[Deorle v. Rutherford](#), 272 F.3d 1272, 1284 (9th Cir. 2001)]. The dispersal order must be given in a manner reasonably believed to be heard and understood by the intended audience. Based upon the circumstances, law enforcement may need to consider multiple announcements from various locations. Dispersal orders may be delivered in English and in other languages that are appropriate for the audience. Regardless of how delivered, law enforcement should record the name of the individual making the statement and the date and time each order was administered. Dispersal orders should not be given until control forces are in position to support crowd movement.

Dispersal Order Example: "I am (peace officer's name and rank), a peace officer for the University of California. I hereby declare this to be an unlawful assembly, and in the name of the People of the State of California, command all those assembled at (specific location) to immediately disperse, which means to break up this assembly. If you do not do so, you may be arrested or subject to other police action. Other police action may include the use of less lethal munitions; chemical agents, police batons, tasers, or any force deemed necessary, which could cause significant risk of serious injury to those who remain. [Penal Code §409](#) prohibits remaining present at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of [Penal Code §409](#). The following routes of dispersal are available (routes). You have (reasonable amount of time) minutes to disperse." Methods that may be used to deliver and document dispersal orders includes (not in priority order):

- Loud speech;
- Amplified sound;
- Display of signage indicating unlawful assembly and dispersal;
- Gaining the attention of the crowd and documenting affirmative responses of crowd members prior to the declaration of unlawful assembly;
- Positioning law enforcement personnel to the rear of a crowd to confirm and document hearing the transmission of the dispersal order;
- Acquiring multiple-language capability;
- Using video/audio recording equipment for documentation of the dispersal order.

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318.18 MASS ARRESTS AND BOOKINGS

The most successful law enforcement strategy for dealing with mass arrests and bookings is proper planning, training, and comprehensive briefing of involved peace officers prior to the event. Mass arrests are dynamic situations that are resource intensive. Any process must be flexible enough to handle challenges that may confront the field force.

Be prepared to utilize various arrest tactics to address unlawful behavior, including: passive/non-compliant resistance, active resistance, and assaultive and life-threatening confrontation. Maintain accountability of arrestees from the arrest site (crime scene) through the booking process. Many cases are lost due to the inability to match up the arresting peace officer to the arrestee. The arrest report should articulate each arrestee's specific criminal act(s) and the witnessing officers. This process will aid in criminal prosecution and the reduction of civil liability.

A coordinated effort by all involved criminal justice entities is essential to ensure proper arrest, booking, and prosecution of violators. Maintain accountability of evidence. Consideration should be given to maintaining evidence beyond criminal prosecution, pending potential civil litigation.

Mass arrest and booking considerations may include (not in priority order):

1. Booking/processing area:

- On-site, off-site or temporary holding facility;
- Medical staff;
- Security (protest groups often target booking facilities);
- Weather issues;
- Media issues.

2. Designated arrest teams:

- Armed;
- Unarmed;
- Protective clothing;
- Handcuff-release devices.

3. Documentation (photo/video/written) of arrests:

- Date;
- Time;
- Location;
- Offense(s);
- Arresting peace officer(s);
- Identification of arrestees;

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- Disposition.
4. Computer access for records checks, etc.
 5. Telephone access.
 6. Designated booking teams.
 7. Prisoner transportation:
 - Special needs (e.g., wheelchairs).
 8. Segregation issues:
 - Gender;
 - Gangs;
 - Juveniles.
 9. Personal needs issues:
 - Restrooms;
 - Water;
 - Food.
 10. Coordination with:
 - Medical;
 - Jail;
 - Court;
 - District/City Attorney;
 - Probation/parole;
 - Public Defender's Office;
 - Private attorneys.
 11. Sufficient handcuffs/restraint equipment.
 12. Sufficient forms/paperwork:
 - Booking forms;
 - Field release from custody;
 - Field interview cards;
 - Evidence collection/storage of materials.
 13. Master report writer/case agent.
 14. Public affairs/media relations representative:

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- Public service announcements

318.19 USE OF FORCE OPTIONS

The law enforcement response to unlawful behavior should be consistent with the UCPD's use of force policy and the law. The reasonableness of force used to effect a seizure is determined by balancing the nature and quality of the intrusion on the individual's Fourth Amendment interests against the governmental interests at stake; *Graham v. Connor*, 490 U.S. 386, 396-397 (1989). In determining the governmental interest, the Court traditionally examines three factors:

1. The severity of the crime at issue;
2. Whether the suspect posed an immediate threat to the safety of officers or others;
3. Whether the suspect was actively resisting arrest or attempting to evade arrest by flight.

According to *Young v. County of Los Angeles*, 655 F.3d 1156, 1163-1166 (9th Cir. 2011), the Court emphasized that the most important factor is whether the individual posed an immediate threat to the officer or to the safety of the public. The *Young* court refers to *Headwaters I* and *II*, when balancing the nature and quality of the intrusion against the governmental interests, wherein a suspect is non-violent and poses no threat to the safety of the officers or others. See *Young*, 655 F.3d at 1162 and 1165 (citing *Headwaters Forest Defense v. County of Humboldt*, 240 F.3d 1185, 1199-1200, 1204 (9th Cir. 2000), vacated and remanded on other grounds, 534 U.S. 801. (2001) (*Headwaters I*); and, see *Young*, 655 F.3d at 1167 (citing *Headwaters Forest Defense v. County of Humboldt*, 276 F.3d 1125, 1129-31 (9th Cir. 2002) (*Headwaters II*)).

Leadership needs to periodically review use of force alternatives in response to potential actions encountered during crowd management and unlawful events. Training should reflect reasonable use of force alternatives so officers are prepared to consider the tactics/force options available; *Chew v. Gates*, 27 F. 3d 1432, 1443 (9th Cir. 1994). Peace officers need not use the least intrusive force option, but only that force which is objectively reasonable under the totality of the circumstances; *Scott v. Henrich*, 39 F. 3d 912 (9th Cir. 1994), and *Forrester v. City of San Diego*, 25 F. 3d 804 (9th Cir. 1994). When feasible, prior to the use of a particular force option, officers should consider the availability of less-intrusive measures; *Young*, 655 F.3d at 1166; *Bryan v. McPherson*, 630 F. 3d 805, 831 (9th Cir. 2010).

Warnings should be given, when feasible, if the use of force may inflict significant pain or result in serious injury; *Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001). In all situations, the force used must be objectively reasonable under the totality of the circumstances. *Graham v. Connor*, 490 U.S. at 397.

Levels of resistance:

- Active Resistance To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner (e.g., bracing, tensed muscles, interlock arms/legs, pushing, kicking, etc.).
- Assaultive Resistance Aggressive or combative behavior which attempts or threatens to assault an officer.

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- Passive Resistance Refers to intentional and unlawful opposition of a lawful order of a peace officer during arrest situations but involves no physical resistance.

Use-of-force considerations may include (not in priority order):

- Absent exigent circumstances, uses of force in crowd control circumstances should be authorized by the Chancellor, his or her designee or senior administration leadership;
- Determining compliance or non-compliance of individuals;
- Moving non-compliant offenders;
- Use of control devices (impact weapons, chemical agents, electronic control devices) against passive resisters shall not be employed;
- Anticipating possible actions of demonstrators;
- Identifying criminal violations;
- Developing arrest protocol;
- Addressing the use of pain compliance techniques;
- Planning for physically challenged, elderly, and child demonstrators;
- Considering the resources available based on the situation;
- Evaluating availability of other public safety resources;
- Using personal protective equipment;
- Planning for the safety of bystanders and the media;
- Evaluating the mobility of suspects/protestors;
- Determining avenues of controlled departure;
- Anticipating potential need for medical resources;
- Addressing the use of less-lethal munitions and chemical agents.

Force options may include (not in priority order):

- Law enforcement presence;
- Verbalization;
- Control holds;
- Compliance techniques;
- Control devices;
- Nonlethal chemical agents;
- Electronic control devices (ECD);
- Impact weapons/batons;
- Less-lethal munitions;

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- Deadly force.

318.20 USE OF CHEMICAL AGENTS

This guideline must be applied in conformance with Guideline 5.4, Use of Force: Force Options. Case law has determined that the use of nonlethal chemical agents can cause significant pain and is an "intermediate" level of force; *Young v. County of Los Angeles*, 655 F.3d 1156, 1162 (9th Cir. 2011). Since *Young* held that chemical agents can inflict significant pain, warnings should be given, when feasible, prior to deployment; *Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001). Use of nonlethal chemical agents in response to an unlawful assembly may be reasonable depending on the totality of the circumstances. UCPD should consider when, where, and how nonlethal chemical agents may be deployed, and consider potential collateral effects. Use of chemical agents against passive resisters is prohibited absent exigent circumstances. Only properly trained personnel should be authorized to deploy nonlethal chemical agents. Nonlethal chemical agents, protective masks, maintenance, storage, and security must be addressed by UCPD.

Nonlethal chemical agent deployment considerations may include (not in priority order):

- Safety of personnel involved;
- Personnel available;
- Methods of delivery;
- Weather conditions;
- Wind direction;
- Physical location/terrain considerations;
- Types of agents available;
- Protective devices for personnel;
- Decontamination;
- Potential exposure to children, elderly, and persons with disabilities.

Nonlethal chemical agent policy considerations may include (not in priority order):

- Circumstances;
- Training;
- Reporting;
- Types of agents;
- Appropriate methods of deployment;
- Identity of person(s) who can authorize the use of nonlethal chemical agents;
- Identity of person(s) trained to deploy nonlethal chemical agents;
- Decontamination/observation;

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- Medical attention;
- Storage, replacement, and inventory accountability;
- Field issuance, deployment, and accountability for recovery;
- Protective mask fit testing;
- Multi-agency events.

318.21 MEDIA STRATEGIES

Having an effective media relationship is important to the University when addressing crowd management incidents. The more that UCPD and the University interacts with the media in a spirit of cooperation and transparency, the more accurate the reporting. In most instances involving crowd management events, it is beneficial for an agency to routinely provide timely information rather than simply respond to inquiries.

Media strategies may include (not in priority order):

- Assigning a Public Information Officer(s) (PIO) to the event;
- Complying with Penal Code §409.5;
- Developing a plan to address non-traditional media in the crowd;
- Providing a single point of contact that the media can call/access to receive timely updates;
- Ensuring timely, accurate information about the event;
- Taking proactive steps to provide information rather than merely responding to inquiries;
- Considering dissemination of information to the media that may include:
 1. The what, where and when of anticipated activities.
 2. Specific parade or protest routes.
 3. Locations subject to disruption of normal business or traffic.
 4. The extent of disruption expected.
 5. Alternative routes and/or mass transit alternatives.
- Informing the media of law enforcement expectations during a dispersal order(s);
- Establishing a media staging area;
- Considering use of a media pool (camera, radio, print);
- Considering embedding media with law enforcement when appropriate;
- Considering establishing a Joint Information Center (JIC).

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318.22 ELECTRONIC COMMUNICATION AND SOCIAL MEDIA

The use of electronic communication and social media has grown exponentially over the last decade. People of all ages and organizations of all types now commonly use a vast array of electronic devices. The effective use of electronic communication and social media can enhance law enforcement efforts related to community outreach, investigations, and in other strategic initiatives. Electronic communication and social media have specific application to law enforcement's response to incidents of crowd management.

Considerations for law enforcement regarding utilization of electronic communication and social media may include (not in priority order):

- Quickly informing the public and media about events, developments, police activities, or other announcements in real time;
- Building relationships with the public, special interest groups, and protesters;
- Providing ways for the public to communicate with law enforcement, such as reporting suspicious activity;
- Informing crowds by posting instructions to attendees;
- Communicating with citizens about crime information, road closures, etc.;
- Providing relevant information, prior to and during an event;
- Providing timely warnings, emergency notifications, and/or advisories to mass recipients (e.g., reverse 9-1-1, texting, etc.);
- Establishing operational security and identifying legal implications in the official use of electronic communication and social media platforms;
- Developing agency-specific policies and procedures with regard to the personal use of electronic communication and social media that includes measures to ensure operational security.

318.23 TERMS AND DEFINITIONS: APPENDIX A

Anarchist A person who uses unlawful, violent means to cause disorder or upheaval

Active Resistance To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner (e.g., bracing, tensed muscles, interlock arms/legs, pushing, kicking, etc.).

After Action Report A report covering response actions, application of ICS, modifications to plans and procedures, training needs, and recovery activities.

Arrest Protocol The formal process of placing subjects under arrest, taking into custody, and associating the arresting peace officer(s) with the specific individual arrested.

Arrest Teams Personnel assigned to arrest duties during civil disobedience/civil disorder incidents.

Assaultive Resistance Aggressive or combative behavior which attempts or threatens to assault an officer.

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Booking Teams Personnel assigned to custodial processing duties during incidents of civil disobedience/civil disorder.

Chemical Agents See Nonlethal Chemical Agents

Civil Disobedience An unlawful event involving a planned or spontaneous demonstration by a group of people.

Civil Disorder An unlawful event involving significant disruption of the public order.

Command The authority a peace officer lawfully exercises over subordinates by virtue of his/her rank and assignment or position.

Compliance Techniques Reasonable, lawful use-of-force methods intended to encourage suspect cooperation.

Compliant Behavior Behavior consistent with submitting to lawful orders of a peace officer without resistance.

Control Devices Devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority (e.g., batons, electronic control devices, restraints, chemical agents, etc.).

Cordoning Surrounding or enclosing a particular problem area; also referred to as perimeter control.

Critical Facilities Any location essential to the well-being and safety of the community requiring law enforcement protection during a critical incident.

Crowd A number of persons gathered together.

Crowd Control Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence that has become unlawful or violent and may require arrests and/or the dispersal of the crowd.

Crowd Dynamics Factors which influence crowd behavior.

Crowd Intervention Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence to deal with isolated unlawful behavior or an impact to public safety while allowing the event/activity/occurrence to continue.

Crowd Management Encompasses law enforcement management, intervention, and control strategies when responding to all forms of public assemblies and gatherings. Also refers specifically to strategies and tactics employed before, during, and after a gathering for the purpose of maintaining the event's lawful activities.

Decontamination Procedures taken to reduce the effects of any nonlethal chemical agent or bio-hazard exposure.

Discipline Peace officer behavior that is consistent with demonstrating self-control, teamwork, moderation, and restraint.

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Dispersal Order Lawful orders communicated by law enforcement personnel commanding individuals unlawfully assembled to disperse.

Dismounted Tactics Non-mobile tactical formations generally involving team, squad, and platoon-sized units.

Emergency Operations Center (EOC) A location from which centralized emergency management is performed. EOC facilities are established by an agency or jurisdiction to coordinate the overall agency or jurisdictional response and support to an emergency.

Essential Elements of Information (EEI) Critical tactical information, obtained from any source, received prior to and/or during an event which is considered so essential that without it, meaningful planning cannot proceed.

Flash Mob A group of people organized using social media to coordinate meeting at a specific location at a specific time for entertainment, satire, or, in some cases, criminal activity.

Flashpoint Specific location(s) which become the initial source of unlawful activity and the origin or focal point of civil disorder.

Force Options Reasonable force alternatives that may be utilized by law enforcement to effect arrest, overcome resistance, and prevent escape.

Formations Coordinated unit tactics utilized by law enforcement to control crowds, stop unlawful activity, and disperse and/or arrest violators.

Incident Action Plan (IAP) A written document containing general management objectives that reflect the overall incident strategy and specific plans using personnel and resources. Incident Action Plans will vary in content and form depending upon the kind and size of an incident.

Incident Command System (ICS) The statewide model for field-level management of emergencies mandated by the Standardized Emergency Management System (SEMS). ICS is specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single and multiple incidents without being hindered by jurisdictional boundaries.

Incident Objectives Statements of guidance and direction necessary for the selection of appropriate strategy(s), and the tactical use of resources. Incident objectives are based on realistic expectations of what can be accomplished when allocated resources have been effectively deployed. Incident objectives must be achievable and measurable, yet flexible enough to adjust to strategic and tactical alternatives.

Leadership The art and exercise of influence to obtain willing compliance, confidence, respect, and loyal cooperation of personnel.

Less Lethal Impact Munitions Projectiles launched or otherwise deployed for purposes of overcoming resistance, preventing escape, effecting arrest, reducing serious injury and may be applied without a significant likelihood of causing death.

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Life Threatening Any action likely to result in serious injury or death of an officer or another person.

Management The process of planning, organizing, coordinating, directing, budgeting, and controlling resources.

Mobile Arrest and Booking Teams Mobile teams designated to assist field personnel with mass arrests and processing.

Mobile Field Force An organized, mobile law enforcement tactical force equipped and trained to respond to unusual occurrences. The mobile field force is currently the statewide standard configuration known as "Mutual Aid Response Mobile Field Force."

Mobile Tactics The ability to rapidly deploy law enforcement personnel using vehicles. The vehicles may also be used for crowd control and containment.

Mob A disorderly group of people engaged in unlawful activity.

Mounted Tactics Crowd control while mounted on horses.

Non-Compliant Behavior Behavior which does not yield to the lawful order of a peace officer but offers no physical resistance (sometimes referred to as "passive resistance").

Nonlethal Chemical Agents Devices utilized by law enforcement agencies which may include CS, CN, OC, and HC (smoke).

Noticed Events Public assemblies, demonstrations or crowd events, which are planned for in advance and allows for prior notice, whether direct or indirect, to law enforcement.

Operations Plan A plan describing the tactical deployment of resources at an incident or event to meet the objectives of the Incident Action Plan.

Operations Security (OPSEC) Methods used to prevent sensitive information, which may compromise the integrity and safety of a law enforcement operation, from being improperly disseminated.

Pain Compliance Stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject, causing that subject to comply with lawful directives.

Passive Resistance Refers to intentional and unlawful opposition of a lawful order of a peace officer during arrest situations but involves no physical resistance. (See Active Resistance).

Perimeter Control See *Cordoning*.

Photographic Teams Law enforcement photographers assigned to memorialize designated activity involving civil disobedience.

Policy Statements of principles and values which guide the performance of a specific agency activity. Policy establishes limits of action and reflects a statement of guiding principles that should be followed in order to achieve an agency's objective.

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Procedure A method of performing an operation or a manner of proceeding on a course of action within the limits of policy.

Public Disruption The interruption or disturbance of public order.

Stakeholder Entities having a legal, professional, economic or community interest/responsibility in a public assembly or gathering.

Sectoring An overall area of operation and dividing it into sub-sections based upon geographical and/or defined boundaries.

Social Media Communications of social interaction, using highly accessible and scalable devices, including web-based and mobile technologies used to promote interactive dialogue.

Spontaneous Events Public assemblies, demonstrations or crowd events, which occur without prior planning and/or without prior notice to law enforcement.

Standardized Emergency Management System (SEMS) A system required by California Government Code for managing response to multi-agency and multijurisdictional emergencies in California. SEMS consists of five organizational levels that are activated as necessary: Field Response, Local Government, Operational Area, Region and State.

Tear Gas The term used in the California Penal Code for what law enforcement more accurately refers to as "nonlethal chemical agents."

Unified Command In ICS, it is described as a unified team effort, which allows all agencies with responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies. It maintains agency authority, responsibility and accountability.

Unity of Command The concept by which each person within an organization reports to one and only one designated person.

Unlawful Assembly Penal Code Section 407 defines an "unlawful assembly" as: "Whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly." "Boisterous or tumultuous manner" has been interpreted by the courts to mean conduct which poses a clear and present danger of imminent violence.

318.24 CROWD MANAGEMENT INTERVENTION AND CONTROL STRATEGIES: APPENDIX B

See attachment: [Crowd Control Management.jpg](#)

318.25 APPLICABLE STATUTES: APPENDIX C Criminal Laws

69 Resisting or deterring officer

71 Threat of injury made to peace officer in performance of his duties

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102 Retaking property from officer

148 Resisting or obstructing public officer

148.1 False reporting planting of bomb

148.2 Interfering with fireman or EMT

148.4 Tampering with a fire alarm

148.9 Giving false identification

151 Advocating injury or death of peace officer

169 Picketing in or near courthouse with intent to interfere or obstruct administration of justice or influence judge, juror, witness, or officer of the court

171f Entering State Capitol without authorization-disorderly conduct

182 Conspiracy

185 Wearing masks or personal disguises in the commission of any public offense

197 Killing in defense of self or property and arresting fugitives or quelling riot

218 Derailing or wrecking train

219 Wrecking train or firing bridge

219.1 Throwing missile at vehicle of common carrier

219.2 Throwing missile or shooting at trains, street cars, or vessels

240 Assault - defined

241 Assault; Assault against peace officer, or other specified persons engaged in performance of duties (Note: see 241 PC subsections)

242 Battery - defined

243 Battery; punishment (Note: see 243 PC subsections)

244 Throwing acid w/intent to disfigure or burn

245 Assault with deadly weapon, firearm, assault weapon, or machine-gun (ADW) (Note: see 245 PC subsections)

246 Discharge firearm at inhabited dwelling, vehicle or aircraft

247 Discharge firearm at unoccupied aircraft or motor vehicle or uninhabited building or dwelling house

247.5 Discharging laser at aircraft

248 Interfere with helicopter operation - light or bright device

302 Disorderly conduct at church service

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372 Maintaining public nuisance

374 Littering and waste matter defined (Note: see 374 PC subsections)

375 Use of offensive substance in place of public assembly; manufacture of offensive substance

396 Price gouging during state of emergency

403 Disturbing an assembly

404 Riot - defined

404.6 Incitement to riot

405 Punishment of participants in riot

405a Lynching - defined

405b Lynching - punishment

406 Rout - defined

407 Unlawful assembly

408 Participating in a rout or unlawful assembly

409 Refusal to disperse when ordered

409.5 Closing areas in emergency

410 Duty to suppress riot or rout

415 Fighting, causing loud noise, or using offensive words in public place

415.5 Unlawful acts committed in buildings or grounds of Colleges or University

416 Duty of crowd to disperse when ordered; Restitution for property damage

420 Obstructing entry on government land

422 Threats to commit crime resulting in death or great bodily injury

422.6 Civil Rights; Interfere with property damage or speech

451 Arson

452 Unlawfully causing a fire

453 Possession or manufacture of combustible or explosive material or fire bomb

455 Attempts to burn

463 Burglary during state of emergency

555 Entry without permission (Note: see 555 PC subsections)

587 Injuring or obstructing railroad tracks, rights-of-way or structures

588 Injuring public road or bridge (Note: see 588 PC sections)

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591 Injuring or tapping telegraph, telephone, or cable telephone line

594 Vandalism

602 Trespassing

602.5 Unauthorized entry of dwelling

602.8 Trespass - Entering cultivated, fenced, or posted land

602.10 Physical obstruction of student or teacher from attending or instructing at a University of California, California State University, or Community College

602.11 Obstruct entry/exit of health care facility, place of worship, or school

616 Tampering with posted legal notice

626 Definitions - miscellaneous crimes - schools (Note: See 626 PC subsections)

640 Infractions committed on or in facilities or vehicles of a public transit system (Note: see 640 PC subsections)

647 Disorderly conduct - defined

647c Accosting person in public place, disorderly conduct, impose, or begging

647e Alcoholic beverages; possession of opened containers on posted premises; regulation by local ordinance

659 Counseling or aiding another in the commission of a misdemeanor

726 Unlawful assembly - officer's duty to disperse

727 Arrest for refusal to disperse

835a Use of reasonable force to effect arrest

836 Arrest by Peace Officer

4600 Destroying or injuring prison or jail (including jail property)

12600 Peace Officer may purchase, possess, or transport less-lethal weapons

12601 Less-lethal weapon - definitions

WEAPONS LAWS

171b Bringing firearm or other specified weapons into courthouse or public meeting

171c Bringing loaded firearm into state office, State Capitol grounds, or public school grounds

171d Bringing loaded firearms into residence of Governor or other constitutional officer

171f Entering State Capitol without authorization - disorderly conduct within

374c Discharging firearms on a public highway

417 Drawing or exhibiting weapon in a rude or threatening manner (Note: see 417 PC subsections)

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626.9 Bringing or possessing firearm on grounds of public school, college, or university

626.10 Knives, razors, tasers, stunguns, etc., on school grounds, exceptions

16590 Manufacture, importation, sale or possession of disguised firearms or other deadly weapons prohibited; carrying concealed weapons prohibited; exceptions

17500 Possession of deadly weapon with intent to commit assault

25400 Unlawful to carry concealed firearms without license

25850 Loaded firearm; carrying in public place or in vehicle

18710 Possession of destructive device prohibited

22610 Purchase, possession, or use of stun gun

CALIFORNIA VEHICLE CODE

23110 Throwing substance at vehicles

23112 Throwing, depositing, or dumping matter on highway

CALIFORNIA ELECTION CODE

18340 Prevention of electors from assembly; misdemeanor

18380 Vandalism at polling places, violations; misdemeanor

18502 Interference with officers or voters; imprisonment

18540 Use of force, violence, tactic of coercion or intimidation; penalties

318.26 APPLICABLE CASE LAW: APPENDIX D USE OF FORCE

Bryan v. McPherson 630 F. 3d 805 (9th Cir. 2011)

Chew v. Gates 27 F.3d 1432, 1443 (9th Cir. 1994)

Deorle v. Rutherford 272 F. 3d 1272, 1284 (9th Cir. 2001)

Eberle v. City of Anaheim 901 F. 2d 814 (9th Cir. 1990)

Forrester v. City of San Diego 25 F. 3d 804 (9th Cir. 1994)

Graham v. Connor 490 U.S. 386 (1989)

Hammer v. Gross 932 F. 2d 842 (9th Cir. 1991)

Headwaters Forest Defense v. County of Humboldt 240 F.3d 1185(9th Cir. 2000), vacated and remanded on other grounds, 534 U.S. 801 (2001) (Headwaters I)

Headwaters Forest Defense v. County of Humboldt 276 F. 3d 1125 (9th Cir. 2002) (Headwaters II)

Mattos v. Agarano 661 F. 3d 433 (9th Cir. 2011)

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Scott v. Henrich 39 F. 3d 912 (9th Cir. 1994)

Young v. County of Los Angeles 655 F. 3d 1156 (9th Cir. 2011)

UNLAWFUL ASSEMBLY

Bacon In re, (1966) 240 Cal. App. 2d 34

Brown In re, (1973) 9 Cal. 3d 612

Chambers v. Municipal Court (1997) 65 Cal. App. 3d 904

Collins v. Jordan 110 F. 3d 1363 (9th Cir. 1996)

Galvin v. Hay 374 F. 3d 739 (9th Cir. 2004)

Kay In re, (1970) 1 Cal. 3d 930, 943

Menotti v. City of Seattle 409 F. 3d 1113 (9th Cir. 2005)

Wagner In re, (1981) 119 Cal. App. 3d 90

RIOTS

People v. Bundte (1948) 87 Cal. App. 2d 735, 744, cert. denied 337 U.S. 915

People v. Cipriani (1991) 18 Cal. App. 3d 299, 304

People v. Davis (1968) 68 Cal. 2d 481

People v. Jones (1971) 19 Cal. App. 3d 437

LYNCHING

People v. Jones (1971) 19 Cal. App. 3d 437

People v. Patino (1979) 95 Cal. App. 3d 11

RIGHT OF ACCESS

Los Angeles Free Press v. City of Los Angeles 9 Cal. App. 3d 448, 457 (1970) cert. denied, 401 U.S. 982

Cox v. State of New Hampshire 312 U.S. 569 (1941)

Seattle Affiliate of the October 22nd Coalition to Stop Police Brutality, etc. v. City of Seattle 550 F. 3d 788 (9th Cir. 2008)

Mardi Gras of San Luis Obispo v. City of San Luis Obispo 189 F. Supp. 2d 1018 (2002) (This case addresses impermissible prior restraint on protected expression in public forums, including an analysis of reasonable "Time, Place and Manner" restrictions and content-based regulations that are not the least restrictive means to further a compelling state interest.)

FIRST AMENDMENT

Brown In re, (1973) 9 Cal. 3d 612

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Chambers v. Municipal Court (1977) 65 Cal. App. 3d 904

Cohen v. California 403 U.S. 15 (1971)

Jefferson v. Superior Court (1975) 51 Cal. App. 3d 721)

McMahon v. Albany Unified School District (2003) 104 Cal. App. 4th 1275

PUBLIC PLACE OBSTRUCTION

Coates, et al, v. City of Cincinnati 402 U.S. 611 (1971)

Cox In re, (1970) 3 Cal. 3d 205, 220

People v. Man (1974) 39 Cal.App. 3d Supp. 1, 4-5

OBSTRUCTING PEACE OFFICER

In re M.L.B. (1980) 110 Cal. App. 3d 501

People v. Patino (1979) 95 Cal. App. 3d 11

THROWING SUBSTANCES

People v. Whitney (1978) 76 Cal. App. 3d 863

Verbal Counseling and Supervisor Observations

319.1 PURPOSE AND SCOPE

Supervisors shall review employee performance on a daily basis. Supervisors may commend or provide constructive criticism to employees through the use of verbal counseling or supervisor's written observations. Positive behavior that reflects or supports the Department's core values should be documented whenever possible. Additionally, employees demonstrating behavior contrary to the Department's core values or any provision of the Department Policy Manual can be reminded or instructed about how to improve behavior, performance or compliance with the Department Policy Manual, in a written Supervisor's Observation. Verbal counseling and/or Supervisor's Observations, even if the content addresses a need for improvement of performance, behavior or compliance are not considered discipline by the Department.

319.2 PROCEDURE FOR VERBAL COUNSELING

All Supervisors should routinely seek opportunities to provide training and guidance to employees for the positive affect increased knowledge, more proficient skills and adherence to the provisions of the Policy Manual and Department Values. Verbal counseling shall be considered anytime a supervisor discusses employee behavior or performance for the purpose of positively changing the behavior in the future. The first incidence of verbal counseling with a particular employee for a particular behavior or performance issue may or may not be documented in writing. However, nothing shall prohibit a supervisor from making reference to verbal counseling if the discussed behavior continues and additional efforts are needed for instruction, behavioral or performance modification as discussed in this policy.

The involved employee's supervisor should be made aware of the counseling as soon as practical.

319.3 PROCEDURE FOR SUPERVISOR'S OBSERVATION

Any Supervisor may issue a written Supervisor's Observation. The Supervisor's Observation should be presented to the employee in a private setting, free of interruption.

- a. Present the Supervisor's Observation document and explain its purpose.
- b. Discuss the issue and give the employee an opportunity to thoroughly read the document.
- c. Require the employee to sign the document. If the employee refuses to sign, note the refusal on the document.
- d. Provide the employee a copy of the Supervisor's Observation.
- e. The original Supervisor's Observation shall be kept in the involved employee's Supervisor's working file for that employee. A copy of the document shall also be forwarded to the employee's manager as appropriate.
- f. The Supervisor's Observation shall remain in an employee's Supervisor's working file until his/her next performance review at which time it shall be removed and given to the employee.

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Verbal Counseling and Supervisor Observations

319.4 FORMAT FOR WRITTEN SUPERVISOR'S OBSERVATION

1. The Supervisor's Observation shall be written on a standard Department memo letterhead.
2. The document shall be forwarded as an internal memorandum, with the following exception: The phrase "SUPERVISOR'S OBSERVATION LOG" shall be typed in the subject line.
3. Memos addressing the need for improved performance shall only remind the employee to adhere to a particular Department Policy item in the future and shall be devoid of reference to any additional future action if the behavior does not improve. Since the subject performance or behavior may not involve a violation of Department policy, it is not necessary that a policy violation be cited in the text.
4. The last line of the memo shall state, *"This memorandum is not intended as discipline or as a basis for disciplinary action. It will not be maintained in your employee file beyond completion of your performance evaluation for the applicable period."*
5. A line shall be provided below the last statement for the employee's signature and date.

319.5 SUPERVISOR'S OBSERVATION LOG SAMPLE 1

Inter-Departmental Memo

September 11, 2012

To: TOM JOHNSON, POLICE OFFICER

From: JEFF ELLIS, POLICE SERGEANT

Subject: SUPERVISOR'S OBSERVATION LOG

On August 22, 2012, you reported 15 minutes late for your 0650 hours shift. You stated you had overslept. You are reminded that Department Policy 340.3.1(c) requires employees to report to work on time.

This memorandum is not intended as discipline or as a basis for disciplinary action. It will not be maintained following completion of your performance evaluation for the applicable period.

_____ / _____

Employee Signature / Date

319.6 SUPERVISOR'S OBSERVATION LOG SAMPLE 2

Inter-Departmental Memo

September 11, 2012

To: TOM JOHNSON, POLICE OFFICER

From: JEFF ELLIS, POLICE SERGEANT

Subject: SUPERVISOR'S OBSERVATION LOG

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Verbal Counseling and Supervisor Observations

On August 22, 2012, at about 0830 hours, I counseled you concerning your unprofessional interaction with a staff member. During the counseling session, you became angry and walked out of the office. A short time later, you returned and apologized for leaving before the session had ended.

You are reminded that all your interactions with all employees should reflect our Departmental Core Values of *Honesty, Respect, Loyalty, Fairness, Trust and Integrity*.

This memorandum is not intended as discipline or as a basis for disciplinary action. It will not be maintained following completion of your performance evaluation for the applicable period.

_____ / _____

Employee Signature / Date

Stalking

320.1 POLICY

A. It is the policy of the University of California, Irvine Police Department to accurately report and aggressively investigate all reports of stalking. Any time a victim reports any type of harassing, threatening, or menacing behavior, the responding officer should consider the possibility of stalking. The Police Department's ultimate goal is to increase police awareness of stalking and to take proper police action when stalking is determined.

B. In every assignment alleging stalking, the first officer on the scene will advise the victim of safety measures, the appropriate social services available to them and provide in writing a resource guide. In domestic violence cases, the first officer on the scene shall advise the victim of the proper procedure for seeking an Emergency Protective Order (EPO) or a Restraining Order in non-domestic situations and provide the victim with the applicable advocacy and will provide the victim with a written resource guide.

C. It is the policy of the University of California, Irvine Police Department to arrest perpetrators of stalking.

320.1.1 PURPOSE AND SCOPE

The University of California, Irvine is determined to provide a campus environment free of violence for all members of the campus community. For this reason, University of California, Irvine does not tolerate stalking, and will pursue the perpetrators of such acts to the fullest extent possible. University of California, Irvine is also committed to supporting victims of stalking through the appropriate provision of safety and support services. This policy applies to all students, staff and faculty of the University of California, Irvine community.

Stalking incidents are occurring at an alarming rate on the nation's college campuses. It is a crime that happens to men and women of all races/ethnicities, religions, ages, abilities, sexual orientations, and sexual identity. It is a crime that can affect every aspect of a victim's life. Stalking often begins with phone calls, emails, social networking posts and/or letters and can sometimes escalate to violence.

Stalking is a crime in California and is subject to criminal prosecution. Students, staff or faculty perpetrating such acts of violence will be subject to disciplinary action through the University of California, Irvine Office of Judicial Affairs (or appropriate division office). This can include expulsion or termination from the University of California, Irvine and/or criminal prosecution simultaneously.

All fifty states have stalking laws, and most state statutes require that the alleged stalker engages in a course of conduct that demonstrates that the crime is not an isolated event. Some states specify how many acts are required (usually two) before the crime of stalking occurs. State laws vary according to threat levels and statements of fear by the victim, as a result of the stalking. Most laws require that a perpetrator make a credible threat of violence, while others require that only a course of conduct is necessary to imply a threat. (OJP, 2001).

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320.2 POLICY JURISDICTION

This policy applies equally to all students, staff and faculty at the University of California, Irvine campus.

320.2.1 STALKING LAWS

646.9(a) - Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

649.9(b) - Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

320.3 STALKING DEFINITION

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. Course of conduct is defined as "a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct."

320.3.1 TYPES OF STALKERS

It is important for law enforcement officers, as first responders, to remember that there is no one profile or type of stalker. The relationship between stalker and victim can include past intimates, acquaintances, co-workers, or complete strangers. Stalkers can be motivated by anger, revenge, jealousy, or absolute fantasy or delusion. The generally accepted typology of stalkers includes the following categories:

- (a) **Simple Obsessional** - This type of stalker is the most common. It is usually a male who knows the victim as ex-spouse, ex-lover, or former work-mate and who begins a campaign of harassment against the victim. The stalking behavior begins either after the relationship has gone bad, or has ended, or there is a perception of mistreatment.
- (b) **Love Obsessional** - This stalker is a stranger to the victim, but is obsessed and thus begins a campaign of harassment to make the victim aware of the stalker's existence. This type of person often stalks a celebrity or public figure, but can also become obsessed with the bank teller or grocery store clerk.
- (c) **Erotomania** - This stalker is often female and falsely believes that the victim is in love with her and, but for some external influence, they would be together. The victim may be someone rich or famous or in a position of power such as an employer, movie star, or political figure. In this situation, those who are close to the victim (i.e., a spouse or lover who is perceived as "being in the way") may be the most at risk.
- (d) **False Victimization Syndrome** - This is an extremely rare occurrence that involves someone who consciously or subconsciously desires to be placed in the role of victim. They therefore establish a complex tale of being stalked, which is in-fact false.

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Sometimes this individual is the actual perpetrator, and the stalker they identify may well be their own target.

320.4 STALKING BEHAVIORS

Because stalking is a "course of conduct" or a "pattern of behavior," stalking can consist of a wide variety of criminal behavior and non-criminal behavior. Any type of crime, from vandalism to homicide, could be part of a stalking case. Stalking laws also criminalize non-criminal behavior, such as letter sending, phone calls, and other contacts that demonstrate in their totality, a pattern of implicit or explicit threats to the victim. State laws define how many incidents make a "pattern" or "course of conduct" in a jurisdiction. In most states, the definition of pattern is two or more incidents. Generally, stalking is an escalating series of actions and incidents.

Stalking includes any behaviors or activities occurring on more than one occasion that collectively instill fear in a victim, and/or threaten her or his safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following:

- Violations of any protective order;
- Telephone calls to the victim (harassing, threatening, obscene, or otherwise);
- Causing another's phone to ring continuously;
- Unwanted mail, e-mail, cards, letters, or gifts to the victim;
- Following, monitoring, pursuing the victim;
- Returning to the property of another if the stalker is without claim to the property;
- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear;
- Use of online, electronic, or digital technologies, including: Posting of pictures or information in chat rooms or on Web sites; Sending unwanted/unsolicited email or talk requests; Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards; Installing spyware on a victim's computer; and/or Using Global Positioning Systems (GPS) to monitor a victim;
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim;
- Surveillance or other types of observation including staring, "peeping";
- Trespassing;
- Vandalism;
- Non-consensual touching;
- Direct verbal or physical threats;
- Gathering information about an individual from friends, family, and/or co-workers;
- Threats to harm self or others;

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- Defamation - lying to others about the victim.

320.5 REPORTING STALKING

The University of California, Irvine Police Department encourages reporting of all incidents of stalking to law enforcement authorities, and respects that whether or not to report to the police is a decision that the victim needs to make. Advocates from the Campus Assault Resources and Education (CARE) office are available to inform victims of the reporting procedures and offer appropriate referrals. Victims of stalking choosing to pursue the reporting process have the right to assistance or consultation of an advocate. The University of California, Irvine offers services to victims even if they choose not to report the incidents. The CARE Office provides services, advocates, and information for victims in a safe, supportive, and confidential setting. In some circumstances, a victim may wish to seek an order of protection from a court of appropriate jurisdiction against the alleged perpetrator. Victims may also seek restriction of access to the University by non-students or non-employees in certain circumstances.

University of California, Irvine staff and faculty are strongly encouraged to report a stalking incident to law enforcement authorities. Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community or other situations in which there is clear and imminent danger, and when a weapon may be involved. Personal safety concerns are often very important for stalking victims. Crisis intervention and victim safety concerns will take precedence.

320.6 SAFETY FOR VICTIMS OF STALKING

University of California, Irvine is committed to supporting victims of stalking by providing the necessary safety and support services. Student victims of stalking are entitled to reasonable accommodations. Due to the complex nature of this problem, the student victim may need additional assistance in obtaining one or more of the following areas:

- No-contact order;
- Services of a student victim advocate;
- Witness impact statement;
- Change in an academic schedule;
- Provision of alternative housing opportunities;
- The imposition of an interim suspension on the accused;
- The provision of resources for medical and/or psychological support.

For assistance obtaining these safety accommodations, contact the University of California, Irvine Campus Assault Resources and Education (CARE) Office. If safety is an immediate concern, encourage the victim to contact law enforcement or the University of California, Irvine Campus Assault Resources and Education (CARE) Office for assistance.

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In response to a report of stalking police should take whatever steps are reasonable to protect the victim. Be honest with the victim about any information that suggests that the suspect is a real threat to him/her. The victims must be proactive in planning for their own safety. Accordingly, law enforcement must make the victim aware that she/he must take charge and be proactive in the stalking case. The officer must advise the victim of certain steps the victim can take to protect her/himself, and place certain tools in the hands of the victim so that the victim can gather evidence to help her/himself in the eventual arrest and prosecution of the stalker. Officers must be careful about the advice they give to victims because of the risk that the stalker poses for a victim. Advice given to stalking victims will vary in every case (Maxey, 2001, pg. 358). In domestic cases, officers should refer victims to the CARE's domestic violence program so that advocates can assist them with safety planning.

Safety Planning Advise the victim to take extra safety precautions. Although officers should be cautious in making generalizations, the following advice can usually be given in all cases:

- Stop all contact with the stalker;
- Don't let third parties intervene with the stalker;
- Explore the option of a protection order with an advocate;
- Save all evidence such as notes, letters cards, gifts, phone messages, e-mail messages;
- Consider getting a new phone number but keep the old and have an answering machine or voicemail screen calls;
- Alter routines, by not using the same route to and from work or other places, not parking in the same location;
- Advise family, friends, neighbors, co-workers of the problem;
- Contact the phone company about having trap installed on the phone so that hang-ups and harassing calls can be traced;
- Avoid places/events the stalker knows the victim frequents;
- If the victim and stalker have children in common, arrange for a third party to make custody exchanges;
- Develop safety scenarios, or advance scripting, for different situations in which the stalker might make contact with the victim;
- Keep daily records of all attempts by suspect to contact.

Encourage the victim to work with law enforcement, victim advocates, and/or prosecutors to develop specific, personalized, and detailed safety plans and provide written information about who can assist with safety planning.

- Victims must plan for their safety both in the home and at other locations. In some cases, the victim may be putting his/her job in jeopardy, and the victim must be aware of this possibility. Involved officers should be prepared to intercede on behalf of the victim.

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- Victims should avail themselves of whatever social supports they may have in the community. Officers should question them about the availability of family, friends, and affiliations. If children are involved, it may be necessary to involve them in safety planning also. Victims should be questioned about the role of their children and what services may be available to keep the children safe. Children should be instructed to keep address and telephone information confidential, and a determination made as to whether the school should be informed or involved in safety planning.
- Victims should be encouraged to carry cell phones so that in the event of an emergency, they can activate 911.
- Victims should be discouraged from contacting stalkers. Contact with the stalker jeopardizes the victim's safety by sending out an ambivalent message and may weaken a criminal case.

320.7 STALKING VICTIMS' RIGHTS

Students on our campus have the right to live free of behaviors that interfere with students attaining their educational goals. Students who report stalking have the right to:

- Treatment with dignity and respect, not subjected to biased attitudes or judgments;
- Not having past and irrelevant conduct discussed during any resulting proceedings;
- Changes in academic and/or living situations, if possible;
- All support services regardless of the choice to file a school or criminal complaint;
- Submission of a written account of the incident and a victim-impact statement;
- Having a person of choice, including legal counsel or an advocate, present throughout the proceedings, as set forth in the student code of conduct;
- Having one's identity protected, in accordance with the student code of conduct or other legal requirements.

Victims can request immediate on-campus housing relocation, transfer of classes, or other steps to prevent unnecessary or unwanted contact or proximity to an alleged assailant. When possible, requests will be accommodated by the University administration.

320.8 RIGHTS OF THE ACCUSED

Students accused of stalking behaviors have rights on this campus. Those include:

- The right to know the nature and source of the evidence used in any student conduct or other disciplinary hearing process;
- The right to present witnesses and material evidence relevant to the case;
- The right to an advocate or attorney to aid in the preparation and presentation of the case;
- Access to services from the counseling, health center or other student service group;
- Voluntary residence hall relocation, when available;

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- Consultation with a campus official on academic support services and referrals to community resources when appropriate.

320.9 DISCIPLINARY PROCESS

Disciplinary sanctions for violations of the campus stalking policy and/or of the student code of conduct will be imposed in accordance with applicable University of California, Irvine policies, including but not limited to, expulsion. Accused parties should refer to the University of California, Irvine's Code of Student Conduct for more information on their rights, resolution of disciplinary charges, disciplinary procedures and responsibilities.

Section 102.10 of the University of California, Irvine's Code of Student Conduct states: "Stalking is any behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the University to serve no legitimate purpose."

Conducted Energy Device

321.1 PURPOSE AND SCOPE

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

321.2 POLICY

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

321.3 ISSUANCE AND CARRYING CEDS

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

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

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

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

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

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

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

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

321.3.1 USER RESPONSIBILITIES

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

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

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321.4 VERBAL AND VISUAL WARNINGS

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

The purpose of the warning is to:

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

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

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

321.5 USE OF THE CED

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

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

321.5.1 APPLICATION OF THE CED

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

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

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

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

321.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

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

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

321.5.3 TARGETING CONSIDERATIONS

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

321.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

321.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should

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be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

321.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

321.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

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

321.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

321.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of CED

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device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

321.6.2 REPORTS

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

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

321.7 MEDICAL TREATMENT

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

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

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

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

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

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321.8 SUPERVISOR RESPONSIBILITIES

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

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

321.9 TRAINING

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

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

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

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

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

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

The Training Manager should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.

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- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

Hate Crimes

322.1 PURPOSE AND SCOPE

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

322.1.1 DEFINITION AND LAWS

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

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

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

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

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

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

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

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

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

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

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

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

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

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

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

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

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

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

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

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

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

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

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office

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- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

322.2 POLICY

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

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

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

322.3 PLANNING AND PREVENTION

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

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

322.3.1 HATE CRIMES COORDINATOR

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

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- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Training Manager to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Bureau for mandated reporting to the Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Bureau Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- (o) Annually assessing this policy, including:

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1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

322.3.2 RELEASE OF INFORMATION

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

The benefit of public disclosure of hate crime incidents includes:

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

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

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

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

322.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

322.4.1 INITIAL RESPONSE

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

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

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 1. Hate literature.
 2. Spray paint cans.
 3. Threatening letters.
 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 1. Identity of suspected perpetrators.
 2. Identity of witnesses, including those no longer at the scene.
 3. The offer of victim confidentiality per Government Code § 7923.615.
 4. Prior occurrences in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.
 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

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- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

322.4.2 INVESTIGATION

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

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
 - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. Offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences, in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.

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6. Document the victim's protected characteristics.
 - (h) Provide victim assistance and follow-up.
 - (i) Canvass the area for additional witnesses.
 - (j) Examine suspect's social media activity for potential evidence of bias motivation.
 - (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 - (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
 - (m) Determine if the incident should be classified as a hate crime.
 - (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 2. Provide ongoing information to victims about the status of the criminal investigation.
 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
 - (o) Document any suspected multi-mission extremist crimes.
 - (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

322.4.3 SUPERVISION

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

- (a) Provide immediate assistance to the crime victim by:
 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

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

322.5 TRAINING

Sworn members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

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

322.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

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[Supplemental Hate Crime Report.pdf](#)

Missing Persons

323.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations and covers Clery Act missing student notification procedures applicable to UCI Police Department.

323.1.1 DEFINITIONS

At-risk - Includes, but is not limited to (Penal Code § 14215): A victim of a crime or foul play; a person missing and in need of medical attention; a missing person with no pattern of running away or disappearing; a missing person who may be the victim of parental abduction; a mentally impaired missing person.

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

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

Emergency Contact Person – General emergency contact information that students provide to their respective on-campus student housing communities in the event of an emergency.

Confidential Missing Student Contact Person – Clery Act specific contact information that must be gathered by an institution separate and apart from Emergency Contact Person information. This information must be kept confidential and it has greater privacy protections than what FERPA provides. This information may only be accessed by authorized campus officials. These officials may only disclose the contact information to law enforcement officials in furtherance of a missing student investigation.

323.2 POLICY

The UCI Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The UCI Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

323.2.1 MISSING STUDENTS WHO RESIDE IN ON-CAMPUS HOUSING

UCI, through on-campus student housing, provides each on-campus student resident the opportunity to confidentially register the names and contact information of individuals whom UCI

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Police Department should contact if the student is determined missing by UCI Police Department. Each UCI Student Housing community and American Campus Community (ACC) Student Housing community maintains files with emergency contact and confidential missing student contact information.

If a member of the University community in on-campus student housing is reported missing, the UCI Police Department will generate a missing person report and initiate an investigation. After investigating the missing person report, should UCI Police Department determine that the student is missing UCI Police Department will notify the student's emergency contact and confidential contact person(s) within 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, UCI Police Department will notify the student's parent or legal guardian immediately after it has determined that the student is missing, in addition to notifying any Emergency Contact Person and/or Confidential Missing Student Contact Person. Additionally, regardless of whether the student has identified a contact person, is above the age of 18 or is an emancipated minor, UCI Police Department will inform the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.

323.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

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

323.4 ACCEPTANCE OF REPORTS

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

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

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323.5 INITIAL INVESTIGATION

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

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) For all students residing in on-campus student housing, a determination should be made as to whether the student is missing for purposes of the Clery Act. If a student is determined missing, all Clery Act missing student procedures and other requirements must be completed as soon as practically possible, as outlined below in section 332.6 of this policy.
- (e) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (f) Ensure that entries are made into the appropriate missing person networks as follows:
 - (a) As soon as possible, but no longer than 2 hours, when the missing person is at-risk.
 - (b) In all other cases, as soon as practicable, and without unreasonable delay from the time of the initial report.
- (g) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (h) Collect and/or review:
 - (a) A photograph and a fingerprint card of the missing person, if available.
 - (b) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - (c) Any documents that may assist in the investigation, such as court orders regarding custody.
 - (d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (i) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (j) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

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323.6 CLERY ACT MISSING STUDENT PROCEDURES AND REQUIREMENTS

- (a) Clery Act missing student procedures only apply to students who live in on-campus student housing. These procedures do not apply to students who normally live in on-campus student housing, but who are temporarily residing off campus in study abroad programs.
- (b) The UCI Student Housing and ACC Student Housing policies on missing students instruct all persons to immediately notify the UCI Police Department when a student is believed to be missing.
- (c) Each student living in on-campus student housing, regardless of age, is given an option to register one or more individuals to be a contact strictly for missing persons purposes. The contact person can be anyone. Students are given this option even if they have identified a general Emergency Contact Person. Students are offered this option annually, regardless of whether they chose to register a contact the previous year and may register such contact person even if they move in mid-year. Students register this contact person through their respective student housing office. This is called the “Confidential Missing Student Contact Person.”
- (d) Confidential Missing Student Contact Person information may only be accessed by authorized campus officials, as designated by UCI and ACC Student Housing, and may disclose the contact information only to UCI Police Department in furtherance of a missing student investigation.
- (e) If a student is determined by UCI Police Department to be missing, and if that person has documented a Confidential Missing Student Contact Person, that contact person must be notified within 24 hours that the student is missing. UCI Police Department is designated with the responsibility of obtaining this information from the student’s respective housing office and reaching out to any and all Confidential Missing Student Contact Person contacts that have been designated by the student. The contact does not have to be an in-person contact. If a student identifies multiple contacts, each contact person listed can be contacted in an order determined by the institution.
- (f) If a student registers multiple Confidential Missing Student Contact Persons, and the first person contacted confirms that the student is not missing, UCI Police Department must contact each additional contact person in turn, unless the student in question is contacted and reached by UCI Police Department or the student himself / herself contacts the institution.
- (g) UCI Police Department must document any unsuccessful attempts in contacting the Confidential Missing Student Contact Person(s) designated by the student. All attempted contacts will be documented in the police report associated with this incident.

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- (h) Regardless of whether a missing student has identified a contact person, is above the age of 18, or is an emancipated minor, the UCI Police Department must inform the Irvine Police Department (i.e. the local law enforcement agency that has jurisdiction in the area of the UCI campus) within 24 hours that the student has been determined missing. This may be completed by entering the missing student into CLETS, in addition to sending a copy of the UCI Police Department report to the Irvine Police Department. UCI Police Department will also notify other local law enforcement agencies that have jurisdiction in an area that is known to have been the last known location of the student prior to the determination being made that the student was missing.
- (i) A member of the UCI Police Department management team will notify the UCI Consultation Team once a student is determined to be missing.

323.6.1 REPORT PROCEDURES AND ROUTING PATROL SUPERVISOR RESPONSIBILITIES

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

- (a) Reviewing and approving missing person reports upon receipt.
- (b) The reports should be promptly sent to the Records Unit.
- (c) Ensuring resources are deployed as appropriate.
- (d) Initiating a command post as needed.
- (e) Ensuring applicable notifications and public alerts are made and documented.
- (f) Ensuring that records have been entered into the appropriate missing persons networks.
- (g) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
- (h) If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

323.6.2 SERVICES DIVISION RESPONSIBILITIES

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Detective Bureau.

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- (e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

323.7 DETECTIVE BUREAU FOLLOW-UP

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

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

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323.8 WHEN A MISSING PERSON IS FOUND

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

UCI Police Department Dispatch and the Investigations Unit shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

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

323.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

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

323.9 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 is a resident of University of California, Irvine or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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323.10 TRAINING

Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.
- (o) Clery Act regulations pertaining to students residing in On-campus student housing who are determined missing.

Firearms

324.1 PURPOSE AND SCOPE

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

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

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

324.2 POLICY

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

324.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

All other weapons not provided by the Department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the Chief of Police. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

324.3.1 AUTHORIZED DUTY HANDGUNS

The authorized department issued handgun is the Sig Sauer Model P320 Pro 9mm. Members assigned to administrative assignments may elect to carry, at their own expense, the 9mm Sig Sauer Models P320 XCarry, P320 XCompact, or P365 with a minimum 10-round magazine (does not include the manual safety variants) while working in a non-patrol assignment. When working special assignments, special events, or mutual aid, members shall carry the Department-issued P320 Pro (9mm).

The Department authorizes members in all assignments to carry the Sig Sauer Model P320 PRO with a Sig Sauer Romeo red dot sight, at their own expense, once they have completed a department-approved red dot training course. Members assigned to administrative assignments may also carry a Sig Sauer red dot sight on the Sig Sauer Model P320 XCarry, P320 XCompact, or P365 after completing an approved red dot course.

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Members choosing to use a red dot sight are required to have the accompanying equipment such as the backup iron sights and holster at their own expense. Backup iron sights shall be installed and tall enough to be seen through the red dot sight window. A department-approved red dot sight duty holster shall be used. It is highly recommended to consult with the Rangemaster prior to any purchases.

324.3.2 PATROL RIFLES

The authorized department-issued patrol rifle is the Sig Sauer MCX 5.56mm.

Department rifles are intended to give officers access to firearms with more powerful cartridges, increased accuracy at longer ranges and increased capacity. All properly trained members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

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

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle. Firearms shall not be left unattended in an unsecured Police vehicle.

324.3.3 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry their personally owned Sig Sauer 9mm handgun must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) Must receive written approval from the Chief of Police or the authorized designee.
- (b) The firearm shall be in good working order.
- (c) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (d) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

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- (e) Members shall provide written notice of the color and serial number of the firearm to the Rangemaster, who will maintain a list of the information in addition to the Chief's authorization.

324.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry a personally owned secondary handgun are subject to the following restrictions:

- (a) Must receive written approval from the Chief of Police or the authorized designee.
- (b) The handgun must be a caliber of .380 or above and shall be in good working order.
- (c) Only one secondary handgun may be carried at a time.
- (d) The purchase of the handgun and ammunition shall be the responsibility of the member.
- (e) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (f) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (g) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition. Ammunition must be factory-fresh jacketed hollow point rounds. No ball, reloads or specialty ammunition is approved.
- (h) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (i) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

324.3.5 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
- (b) The purchase of the personally owned firearm, holster, maintenance, and ammunition shall be the responsibility of the member.

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- (c) The firearm shall be carried concealed at all times when in the general public and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (d) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (e) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (f) The member will successfully qualify with the firearm prior to it being carried.
- (g) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (h) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (i) Members shall only carry department-authorized ammunition jacketed hollow point ammunition. No ball, reload or specialty ammunition is authorized.
- (j) When armed off-duty, officers shall carry their University of California Irvine Police Department identification card.

324.3.6 AMMUNITION

Members shall carry only department-authorized jacketed hollow point ammunition. No ball, reload, or specialty ammunition is allowed. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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

324.4 EQUIPMENT

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

324.4.1 REPAIRS OR MODIFICATIONS

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

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

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense. Repairs must be done by a certified armorer or gunsmith and prior to use on-

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duty inspected by the Rangemaster. Modifications must be pre-approved and inspected by the Rangemaster.

324.4.2 OPTICS OR LASER SIGHTS

Optics or laser sights must be approved by the Chief of Police before they may be installed on any department firearm or carried by a member while on-duty carrying their own firearm. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

324.4.3 HOLSTERS

Only department-approved holsters shall be used and worn by members while on duty. Members shall utilize a holster for off-duty carrying, except in exigent circumstances. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

324.4.4 TACTICAL LIGHTS

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

324.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not load or unload a firearm anywhere in the department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons

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from outside agencies are responsible for ensuring firearms are not brought into the jail section.

- (f) Members shall not remove and/or use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the department to be carried on-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the employee's supervisor and Rangemaster for inspection. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's department-issued duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

324.5.1 INSPECTION AND STORAGE

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

Department and personally owned firearms shall be safely stored in secured lockers at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Rifles shall remain secured in the patrol vehicle or secured in the safe or department armory.

Any rifle going into the safe/armory must be in an "Armory Ready" configuration. The armory ready configuration will give the next person who handles the weapon a visual cue that it was stored properly.

Patrol ready:

- Empty chamber;
- Bolt forward;
- Dust cover closed;
- Weapon on safe;
- Loaded magazine locked in the magazine well.

When entering/leaving the station or conducting an administrative move with a rifle, it must be carried in a safe manner. The rifle should be in the following condition:

- Empty chamber;
- Bolt open;
- Dust cover open;
- Weapon on safe;

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- No Magazine in the Magazine well.

Chamber Safe Flags:

- Insert the pointed plastic tip into the rifle chamber.
- Walk the bolt forward (pull the charging handle and let the bolt go or press the release).
- Ensure that the orange flag is visible through the ejection port .
- When removing a rifle from armory/safe, take the flag out and leave it in the armory/safe.

Armory Ready:

- Flag inserted into the chamber;
- Bolt forward holding the flag;
- Weapon on safe;
- No Magazine in the Magazine Well.

324.5.2 STORAGE AT HOME

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

324.5.3 ALCOHOL AND DRUGS

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

324.5.4 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

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

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

324.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least

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annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least annually. Training and qualifications must be on an approved range course.

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

324.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period. The supervisor shall ensure that the memorandum is forwarded to the range staff who shall maintain it in the range qualification records.

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

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 1. Unauthorized range make-up
 2. Failure to meet minimum standards or qualify after remedial training

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

324.7 FIREARM DISCHARGE

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

In all 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 Lieutenant or provide a recorded statement to investigators prior to the end of shift, if practicable and in accordance with his/her rights under POBR.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

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324.7.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

324.7.2 INJURED ANIMALS

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

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

324.7.3 WARNING AND OTHER SHOTS

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

324.8 CARRYING FIREARMS OUT OF STATE

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

- (a) The officer shall carry his/her University of California Irvine Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property,

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installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

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

324.9 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending shall 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 Manager after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

Members attending a range qualification with the Orange County Sheriff's Department (OCSD) shall submit to the UCIPD Rangemaster their qualifications record by their next scheduled shift. Following the receipt of all OCSD range qualifications, the Rangemaster shall complete a roster of attendance for all members submitting their range qualification receipt and submit it to the Training Manager.

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

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

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

The Rangemaster shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster shall keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager. The Rangemaster shall also maintain records of each firearm members who are qualified on (i.e. Duty, Backup and Off-Duty). Records of qualifications and courses of fire shall be maintained for a minimum of 5 years.

324.10 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 officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

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- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the department based on the law and published TSA rules.
- (b) Officers must carry their University of California Irvine Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The University of California Irvine Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the University of California Irvine Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

Control Devices and Techniques

325.1 PURPOSE AND SCOPE

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

325.2 POLICY

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

325.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

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

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

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

325.4 RESPONSIBILITIES

325.4.1 WATCHCOMMANDER RESPONSIBILITIES

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

325.4.2 CONTROL DEVICE INSTRUCTOR RESPONSIBILITIES

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

Every control device will be inspected annually by the designated instructor(s) for a particular control device. The inspection shall be documented.

325.4.3 USER RESPONSIBILITIES

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

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

325.5 BATON GUIDELINES

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

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

325.6 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.

325.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

325.7.1 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.

325.7.2 TREATMENT FOR OC SPRAY EXPOSURE

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

325.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of

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the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

325.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

325.9.1 DEPLOYMENT AND USE

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

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

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

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

325.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

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

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

325.10 TRAINING FOR CONTROL DEVICES

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

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

325.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Report Preparation

326.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

326.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

326.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor. Members processing crime scenes are required to include the collection of evidence in their reports. If crime or traffic collision scenes are processed by outside crime scene investigators, they will be responsible for processing and documenting evidence collection. Officers shall document the reason for all traffic, bike, or pedestrian stops on any citation or police report resulting from the stop (AB 2773, Effective January 1, 2024)

326.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes

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- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - (a) Use of Force Policy
 - (b) Domestic Violence Policy
 - (c) Child Abuse Policy
 - (d) Senior and Disability Victimization Policy
 - (e) Hate Crimes Policy
 - (f) Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report
- (f) Any collection of evidence (including the circumstances of each item's collection)

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

326.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons 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
- (k) Reports of campus policy violations as related to campus safety, if not otherwise sufficiently documented.
- (l) Assistance provided to outside law enforcement agencies performing official duties on UC Irvine property (CAD entry is sufficient).
- (m) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

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326.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

326.2.4 INJURY OR DAMAGE BY UNIVERSITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a University employee. Additionally, reports shall be taken involving damage to University property or University equipment.

326.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

326.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

326.2.7 TRAFFIC COLLISIONS

See policy 506

326.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without

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supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

326.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

326.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

326.3.3 REPORT REVIEW, APPROVAL AND HOLDING

Supervisors shall be responsible for reviewing reports that are submitted to RiMS for approval.

At the start of each shift, supervisors shall check RiMS to see if there are any outstanding reports that need review/approval and ensure they are addressed, regardless of whether the officer is assigned to their shift or not.

Supervisors will attempt to review all reports before the end of watch. Supervisors will ensure that reports taken on their shift will be completed prior to the end of shift, unless the criteria for report holding is met and approved.

Officers are responsible to check RiMS each shift they work to ensure they do not have any reports on hold or that have been returned for correction.

All reports will be completed and turned in prior to the end of watch unless specifically approved by a supervisor to be held. Reports placed on hold shall have a completed face page and the synopsis completed before being placed on and approved to be on hold.

In-custody reports will be completed and approved by a supervisor prior to the officers ending their shift. Exceptions to this policy must be approved by the Watch Commander. Exceptions are limited to:

- the officer(s) involved in the investigation will exceed the maximum time they are allowed to work;
- the following workday is a court holiday or weekend day (Sat/Sun)

Other (non-custody) reports may be held to the next workday within the same workweek with Watch Commander approval.

Officers shall not begin their days off with a report on hold, unless approved by a supervisor, in which case the report may be held for a maximum of one additional day.

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326.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should utilize the RiMS report correction feature 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.

326.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

Mandatory Employer Notification

327.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

327.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

327.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

327.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

327.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

327.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health

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and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

327.3 POLICY

The University of California Irvine Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

327.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

Public Alerts

328.1 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.

328.2 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.

328.3 RESPONSIBILITIES

328.3.1 MEMBER RESPONSIBILITIES

Members of the University of California Irvine 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.

328.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Lieutenant 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 Lieutenant

328.4 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.

328.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

328.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
 - 1. The child's identity, age and description
 - 2. Photograph if available
 - 3. The suspect's identity, age and description, if known
 - 4. Pertinent vehicle description
 - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
 - 1. The local FBI office
 - 2. National Center for Missing and Exploited Children (NCMEC)

328.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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328.5.1 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.

328.5.2 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

328.6 SILVER ALERTS

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

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328.6.1 CRITERIA FOR SILVER ALERTS

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

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

328.6.2 PROCEDURE FOR SILVER ALERT

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

328.7 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

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

328.7.1 CRITERIA

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

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

328.7.2 PROCEDURE

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

328.8 YELLOW ALERT

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

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328.8.1 CRITERIA FOR YELLOW ALERT

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

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
 1. The complete license plate number of the suspect's vehicle.
 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
 3. The identity of a suspect.
 4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

328.8.2 PROCEDURE FOR YELLOW ALERT

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

328.9 FEATHER ALERT

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

328.9.1 CRITERIA FOR FEATHER ALERT

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

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

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328.9.2 PROCEDURE FOR FEATHER ALERT

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

328.10 ENDANGERED MISSING ADVISORY

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

328.10.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

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

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

328.10.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

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

328.11 EBONY ALERT

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

328.11.1 CRITERIA FOR EBONY ALERT

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

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.

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- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (f) The Department has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

328.11.2 PROCEDURE FOR EBONY ALERT

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

Biological Samples

329.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

329.2 POLICY

The University of California Irvine Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

329.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

329.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

329.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

329.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only

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with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

329.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

329.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

329.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

329.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

329.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

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The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

329.6.3 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

Death Investigation

330.1 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.

330.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

330.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).

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- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

330.2.2 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.

330.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

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330.2.4 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.

330.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

330.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Services Division Lieutenant shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

330.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall document this on an incident report and shall immediately report the death, illness or injury to EH&S at (949) 735-6955. This telephone contact will satisfy the mandatory Cal OSHA notification requirement (8 CCR 342(b)).

Senior and Disability Victimization

331.1 PURPOSE AND SCOPE

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

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

331.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

331.2 POLICY

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

331.2.1 ARREST POLICY

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

331.2.2 ADHERENCE TO POLICY

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

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

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

331.3 INVESTIGATIONS AND REPORTING

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

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

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

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

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

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

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

331.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

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

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

331.4 QUALIFIED INVESTIGATORS

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

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

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

331.5 MANDATORY NOTIFICATION

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

Notification shall be made by telephone or through a confidential internet reporting tool as soon as practicable. If notification is made by telephone, a written report shall be sent or internet report shall be made through the confidential internet reporting tool within two working days, as provided in Welfare and Institutions Code § 15630(b).

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

- (a) If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
 3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.
- (b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (c) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- (d) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (e) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

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

The Detective Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

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

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

331.5.1 NOTIFICATION PROCEDURE

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

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.

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- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

331.6 PROTECTIVE CUSTODY

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

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

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

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

331.6.1 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

331.6.2 VERIFICATION OF PROTECTIVE ORDER

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

- (a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

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- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

331.7 INTERVIEWS

331.7.1 PRELIMINARY INTERVIEWS

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

331.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

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

331.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

331.8 MEDICAL EXAMINATIONS

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

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

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331.9 DRUG-ENDANGERED VICTIMS

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

331.9.1 OFFICER RESPONSIBILITIES

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

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

331.9.2 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

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

331.10 TRAINING

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
- (f) Availability of victim advocates or other support.

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331.10.1 MANDATORY TRAINING

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

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

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

331.11 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for:

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

331.12 JURISDICTION

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

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

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

331.13 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

- (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

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1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, "representative" means a person or entity that is either of the following:
1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

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

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physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

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

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:

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1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 4. Incest, as defined in Section 285 of the Penal Code.
 5. Sodomy, as defined in Section 286 of the Penal Code.
 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
1. For punishment.
 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 3. For any purpose not authorized by the physician and surgeon.

331.14 CHIEF OF POLICE RESPONSIBILITIES

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

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including department protocols in this policy, including but not limited to the following:
 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective

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

331.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

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

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

Major Incident Notification

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

332.2 POLICY

The University of California Irvine Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

332.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, Assistant Chief of Police and the affected Lieutenant's. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent University of California, Irvine official
- Arrest of a department employee or prominent University of California, Irvine official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

332.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

332.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification policy, the Operations Lieutenant shall be notified. The Services Lieutenant should be notified if the Operations Lieutenant is unavailable. The Lieutenant shall notify the remaining Command Staff.

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332.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the Watch Commander shall notify the Operations Lieutenant, who will then coordinate the detective call-out directly with the Services Lieutenant.

332.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Watch Commander shall request the assistance of Irvine PD's Major Traffic Accident Investigation Team (MAIT). The Watch Commander will also notify the Operations Lieutenant.

332.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Assistance Chief of Police is the designated Public Information Officer and shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

332.4.5 CAMPUS LEADERSHIP NOTIFICATION

Notification to campus leadership shall be made in accordance with the "Notification for Emergency and Non-emergency Response to Specific Incident Types" contact list protocol. This list is maintained by Police Department administrative staff and edited as necessary due to organizational and staff changes. Copies of the contact list are held by Police Department Command Staff and in the Dispatch Center.

332.5 UC SYSTEM-WIDE NOTIFICATION PROTOCOL FOR CRITICAL INCIDENTS

Campuses shall notify UCOP executive management as soon as possible in the event of the following situations, events, or conditions:

- Campus resources are overwhelmed, or the potential exists to exhaust available campus resources;
- Campus requires system-wide resources or assistance (from either UCOP or other campuses);
- Situation poses an immediate or long-term reputational risk to the campus or University system;
- Situation requires interaction and/or coordination with the Board of Regents or state/local elected or government officials

For situations or incidents that require the immediate attention or action by UCOP senior executive management, contact all of the UCOP executives listed below as well as the UCOP Emergency Manager (or designated alternate) directly.

In addition, UCOP Risk Services provides special services to assist campuses in responding to or managing major or unusual emergencies or crisis situations. Situations requiring immediate notification of Risk Services staff may include but are not limited to the following:

- Any situation causing death, dismemberment, or severe bodily injury

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- Catastrophic physical damage to University property including major fires or floods, explosions, or structural collapse
- Widespread outbreak of disease or illness
- Acts of domestic or foreign terrorism
- Acts of kidnap, infant/child abduction, extortion, or illegal detention (domestic or foreign)
- Release of hazardous materials to the environment, unusual hazmat contamination, or loss/theft of select agent or radioactive material
- Acts that threaten or endanger any researcher, student, staff, medical personnel, or patient (whether on or off campus, domestic or foreign) aka 'threat and security incidents'

In the event of any of the situations listed above, notify UCOP Risk Services as soon as possible (see UCOP Emergency Management contacts below). Notification should include a brief situation status report and preliminary requests for any UCOP assistance or support that can be readily anticipated.

The following protocol applies specifically to all threat and security incidents associated with the University or its faculty/staff, either on or off campus, including personal residences:

1. UC Police Department immediately notifies all other campus UCPDs.
2. UC Police Department notifies the *Chief Risk Officer* (CRO) via e-mail and phone.
3. CRO will coordinate with UCPD to deploy additional security forces (if needed).
4. CRO will immediately transmit information via e-mail to all Campus Vice-Chancellors, Police Chiefs and key UCOP personnel.
5. CRO will coordinate and communicate with UC executive management to ensure that all key personnel are aware of significant events.

UCOP Senior Executive Management Contacts (notify all):

- (a) Executive Vice President – *Chief Operating Officer*
- (b) Executive Vice President – *Chief Financial Officer*

*Contact information located in Police Dispatch

UCOP Emergency Management Contacts:

- (a) Director - Emergency Services
- (b) #1 Alternate – Chief Risk Officer*
- (c) #2 Alternate – Deputy Chief Risk Officer

* CRO is primary contact for threat and security incidents / Contact information is in Police Dispatch

Information Technology Use

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

333.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the University of California Irvine Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

333.2 POLICY

It is the policy of the University of California Irvine Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

333.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

333.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

333.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or University-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

333.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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333.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

333.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

333.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

333.5.1 LOCAL NETWORK DATA BACKUP

The UCI Office of Information Technology (OIT) is responsible for backup procedures for all police files and databases. Generally, backups of RIMS servers are conducted daily for disaster recovery.

Recovery of backed-up department data may only be conducted as authorized by the department IT Manager or as directed by a member of UCIPD command staff.

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333.5.2 DEPARTMENT SERVERS - PHYSICAL SECURITY

Department servers shall be stored in a secure location with access control measures in place to prevent unauthorized access. Access to department servers shall be restricted to department IT personnel, members of the UCIPD command staff, and others as specifically authorized by the Chief of Police.

333.6 INFORMATION TECHNOLOGY MANAGEMENT

The UCI Office of Information Technology (OIT) is the primary computer network administrator for all department servers, workstations and connected computer systems (hardware and software). The IT Manager is responsible for maintaining department network security (both physical and digital), data backup and recovery, internal & external connectivity, and system access passwords. The IT Manager is also responsible for managing department compliance with all applicable laws, regulations and policies including security standards as established by UC Irvine.

333.6.1 DELEGATED SYSTEMS MANAGEMENT

Managers or other qualified department members may be designated as administrators or data proprietors for specific systems within the department computer network as necessary and appropriate. If no system administrator or data proprietor has been designated, the management responsibilities for that system defaults to the department IT Manager. The IT Manager is responsible to provide support for all department connected computer systems and system administrators as necessary.

333.7 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Registered Offender Information

334.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the University of California Irvine 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.

334.2 POLICY

It is the policy of the University of California Irvine Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

334.3 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. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

334.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

334.4 MONITORING OF REGISTERED OFFENDERS

The Detective Bureau's supervisor should establish a system to periodically, and shall at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Detective Bureau's supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to University of California Irvine Police Department personnel, including timely updates regarding new or relocated registrants.

334.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the University of California Irvine Police Department's website. Information on sex registrants placed on the University of California Irvine Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Analyst may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

334.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

- (a) The offender's full name
- (b) The offender's known aliases
- (c) The offender's sex
- (d) The offender's race
- (e) The offender's physical description
- (f) The offender's photograph
- (g) The offender's date of birth
- (h) Crimes resulting in the registration of the offender under Penal Code § 290
- (i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

334.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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Registered Offender Information

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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335.1 PURPOSE AND SCOPE

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

335.2 POLICY

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

335.3 DIRECTIVES AND ORDERS

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

335.3.1 UNLAWFUL OR CONFLICTING ORDERS

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

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

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

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

335.3.2 SUPERVISOR RESPONSIBILITIES

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

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

335.4 GENERAL STANDARDS

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

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

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

335.5 CAUSES FOR DISCIPLINE

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

335.5.1 LAWS, RULES AND ORDERS

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

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335.5.2 ETHICS

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

335.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

335.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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335.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

335.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
 - (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

335.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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335.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on department property except as expressly authorized by University policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by University policy, the memorandum of understanding, or the Chief of Police.
- (i) Any act on or off duty that brings discredit to this department.

335.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the University.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

335.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

335.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

335.5.12 DUTY TO INTERVENE

All members of the department have a duty to either stop, or attempt to stop, another member of the department when they witness abuse of power, excessive force, sexual harassment, or any other unethical or illegal behaviors in violation of this policy.

Based on the employee's role in the department, employee intervention could include:

- (a) An active approach, when possible, if observing unethical behavior or misconduct;
- (b) A preventative approach, whenever possible, if observing behavior that suggests another member is about to engage in unethical or inappropriate behavior;
- (c) Verbal or physical, when safe to do so;
- (d) Immediate supervisor notification and documentation following any type of intervention

Failure to intervene by an employee may lead to disciplinary action, civil liability, and/or criminal prosecution.

Limited English Proficiency Services

336.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

336.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the University of California Irvine Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

336.2 POLICY

It is the policy of the University of California Irvine Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

336.3 TYPES OF LEP ASSISTANCE AVAILABLE

University of California Irvine Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

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The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

336.4 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

336.4.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other University departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

336.4.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

336.5 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

336.6 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The University of California Irvine Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

336.6.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

336.7 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may

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involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

336.8 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter;
- An authorized telephone interpreter;
- Any other authorized interpreter.

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

336.9 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

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336.10 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

336.11 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

336.12 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

336.13 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

336.13.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and

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understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Officer-Involved Shootings and Deaths

337.1 PURPOSE AND SCOPE

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

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

337.2 POLICY

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

337.3 DEADLY FORCE APPLICATIONS

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

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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

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

337.4 TYPES OF INVESTIGATIONS

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

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

337.5 CONTROL OF INVESTIGATIONS

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

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

337.5.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

337.5.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

337.5.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

337.5.4 INVESTIGATION RESPONSIBILITY MATRIX

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

Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation of	Administrative Investigation
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UCIPD Officer in This Jurisdiction	UCIPD Investigators	District Office	Attorney's Office	UCI Team	Civil	Liability	Assistant Chief
Allied Agency's Officer in This Jurisdiction	UCIPD Investigators	District Office	Attorney's Office	Involved Department	Officer's Department	Involved Department	Officer's
UCIPD Officer in Another Jurisdiction	Agency where incident occurred	Decision by agency where incident occurred	made by agency where incident occurred	UCI Team	Civil	Liability	Assistant Chief

* The UC Irvine Police Department may relinquish its criminal investigation to an outside law enforcement agency as directed by the Chief of Police or his/her designee.

337.6 INVESTIGATION PROCESS

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

337.6.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

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

337.6.2 WATCH COMMANDER RESPONSIBILITIES

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

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

337.6.3 NOTIFICATIONS

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

Operations Lieutenant, who shall notify the Services Lieutenant, Assistant Chief, and Chief of Police.

- The Services Lieutenant or designee shall notify the following person(s) as soon as practical:
- Officer-Involved Shooting protocol rollout team
- Outside agency investigator (if appropriate)

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- Internal Affairs Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

337.6.4 INVOLVED OFFICERS

The Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

- (a) Any request for department or legal representation will be accommodated, however, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
 2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

Detectives shall make reasonable accommodations to the officer's physical and emotional needs (Government Code § 3303(d)).

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

337.6.5 SUPERVISOR RESPONSIBILITIES

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

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

337.6.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

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

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

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337.7 CRIMINAL INVESTIGATION

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

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

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

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

337.7.1 REPORTS BY INVOLVED UCIPD OFFICERS

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

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

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

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

337.7.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

337.7.3 INVESTIGATIVE PERSONNEL

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

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

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337.8 ADMINISTRATIVE INVESTIGATION

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

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

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

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Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

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

337.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, recordings prior to providing a recorded statement or completing reports.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or General Counsel's Office, as appropriate.

337.10 REPORTING

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

337.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Investigation Lieutenant and Public Information Officer in the event of inquiries from the media.

The Department shall not subject any involved UCIPD officer to visits by the media (Government Code § 3303(e)). No involved UCIPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Lieutenant. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

337.12 CIVIL LIABILITY RESPONSE

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

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

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337.13 DEBRIEFING

Following an officer-involved shooting or death, the University of California Irvine Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

337.13.1 TACTICAL DEBRIEFING

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

Child Abuse

338.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when University of California Irvine Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

338.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

338.2 POLICY

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

338.3 MANDATORY NOTIFICATION

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

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

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

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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

338.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

338.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

338.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

338.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax, or electronic transfer to the agency with proper jurisdiction (Penal Code § 11165.9).

338.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

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

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

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

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338.6 PROTECTIVE CUSTODY

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

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

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

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

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
 1. The child has an immediate need for medical care.
 2. The child is in immediate danger of physical or sexual abuse.
 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 2. There is no lawful custodian available to take custody of the child.
 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

338.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

338.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

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

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

338.7 INTERVIEWS

338.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

338.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

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

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338.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

338.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

338.9 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.

338.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the 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.

338.9.2 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:

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- (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.

338.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

338.10.1 RELEASE OF REPORTS

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

338.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

338.10.3 CACI HEARING OFFICER

The Detective Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

338.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports
- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office
- (d) Statements by representatives of a child protective agency who may be familiar with the case

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Child Abuse

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.

338.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

338.11 TRAINING

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

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

Vehicle Pursuits

339.1 PURPOSE AND SCOPE

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

339.1.1 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

339.2 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code

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§ 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

339.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when the officer reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and officer vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

339.2.2 WHEN TO TERMINATE A PURSUIT

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

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The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

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

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

339.2.3 SPEED LIMITS

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

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

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

339.3 PURSUIT UNITS

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

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

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

339.3.1 MOTORCYCLE OFFICERS

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

339.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

339.3.3 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

339.3.4 SECONDARY UNIT RESPONSIBILITIES

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

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

339.3.5 PURSUIT DRIVING

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

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

339.3.6 PURSUIT TRAILING

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

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339.3.7 AIR SUPPORT ASSISTANCE

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

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

339.3.8 UNITS NOT INVOLVED IN THE PURSUIT

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

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

339.4 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

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

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

339.4.1 WATCH COMMANDER RESPONSIBILITIES

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

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

339.5 THE COMMUNICATIONS CENTER

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

339.5.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

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

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

339.5.2 LOSS OF PURSUED VEHICLE

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

339.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should

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

339.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

339.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

Assistance to a pursuing allied agency by officers of this department will terminate at the University limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

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

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339.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED

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

339.7.1 USE OF FIREARMS

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

339.7.2 INTERVENTION STANDARDS

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

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

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2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 3. It reasonably appears the technique will terminate or prevent the pursuit.
 4. Ramming may be used only under circumstances when deadly force would be authorized.
 5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
- (d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:
1. The technique should only be used by officers who have received training in the technique.
 2. Supervisory approval should be obtained before using the technique.
 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 4. It reasonably appears the technique will terminate or prevent the pursuit.
- (e) Tire deflation devices should only be used after considering the following:
1. Tire deflation devices should only be used by officers who have received training in their use.
 2. Supervisory approval should be obtained before using tire deflation devices.
 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 4. It reasonably appears the use will terminate or prevent the pursuit.
 5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
 6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (f) Roadblocks should only be used after considering the following:
1. Roadblocks should only be used by officers who have received training in their use.
 2. Supervisory approval should be obtained before using the technique.
 3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

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4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

339.7.3 CAPTURE OF SUSPECTS

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

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

339.8 REPORTING REQUIREMENTS

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

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and officers.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).

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8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

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

339.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

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

339.8.2 POLICY REVIEW

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

339.9 APPLICATION OF VEHICLE PURSUIT POLICY

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

339.10 POLICY

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

Search and Seizure

340.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for University of California Irvine Police Department personnel to consider when dealing with search and seizure issues.

340.2 POLICY

It is the policy of the University of California Irvine Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

340.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent.
- Incident to a lawful arrest.
- Legitimate community caretaking interests.
- Vehicle searches under certain circumstances.
- Exigent circumstances.
- Probation & Parole
- Plain view
- Pat-down

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation

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according to current training and his/her familiarity with clearly established rights as determined by case law.

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

340.3.1 CONSENT SEARCHES

"Consent" is another valid basis for a warrantless search of a person (or place, vehicle, container, etc.), and you should always try to obtain consent.

In general, the law is well established that it is fully possible for a person to give voluntary consent, even though the person has been detained, arrested and handcuffed. On the other hand, consent will not be voluntary if it was preceded by an illegal detention or an illegal arrest.

As to scope of consent, the test is one of "objective reasonableness" - whether consent would be reasonably understood to include the area to be searched. The person's words and actions can be considered in determining scope.

340.3.2 VEHICLE SEARCHES

Impounds

California law enforcement officers under certain conditions are authorized to impound a motor vehicle. An individual officer's decision to impound must be exercised according to standardized criteria, which includes statutory authority for the impound, i.e. Vehicle Code section 22651

Vehicle inventories are supported by three rationales:

- protection of an owner's property while it is in police custody;
- protection of police against claims of lost, stolen, or vandalized property; and
- officer safety.

When a vehicle is lawfully impounded, an inventory search pursuant to an established, standardized procedure does not violate the Fourth Amendment. Although vehicle inventories must be "reasonable" under the Fourth Amendment, officers may search closed containers while conducting an inventory search.

Automobile Exception

The "automobile exception " is based on probable cause. "Probable cause" to search a vehicle means exactly the same thing that it does in a search warrant context, namely, enough facts, knowledge, training, etc., to provide a "fair probability" that the object you are looking for will be found in the place (portion of the car) you want to search. If you have enough information to get a warrant, you have sufficient probable cause under the "automobile exception".

This exception was created based on the lower expectation of privacy that people have in their vehicles, owing to their mobility and to being subject to substantial governmental regulation. You do not need any additional dangerous circumstances or exigencies beyond the mobility that is

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inherent in any operable vehicle. It is important to note the following considerations regarding the automobile exception:

- This "probable cause" justification for a warrantless vehicle search is different from the "incident to arrest" justification, even though they may both exist at the same time in some situations.
- The "automobile exception" applies to any vehicle that is readily mobile and also to any vehicle that reasonably appears mobile, even if in fact it is not.
- The "automobile exception" applies to other vehicles, including motor homes, vans, bicycles, motorcycles, and houseboats.
- Apart from the "automobile exception," the general "exigent circumstances" exception can also justify a warrantless vehicle search without probable cause.

Under the "automobile exception", it is not necessary that the warrantless search of a vehicle take place on the roadside at the time of the stop. The vehicle can be towed away and searched at a later time, even after it has been impounded and is in police custody. The same is true as to containers that are discovered in the vehicle at the time of the search. They may be confiscated and searched at a completely different time and location.

340.3.3 EXIGENT CIRCUMSTANCE SEARCHES

Warrantless entries by police into a residence are presumed illegal unless justified by consent or exigent circumstances. "Exigent circumstances" include an emergency requiring swift action to prevent:

- imminent danger to life or welfare (including yours); or
- serious damage to property; or
- imminent escape of a suspect; or
- the destruction of evidence.

Exigent circumstances also include the need to enter or search a residence to render emergency aid, when there is a compelling need for official action and no time to secure a warrant, exigent circumstances excusing compliance with the warrant requirement may exist.

A warrantless search must be "objectively reasonable. There is no bright-line rule for determining if exigent circumstances exist, and courts will look to the totality of the particular circumstances known to the officer at the time of the entry or search.

A. To Prevent Imminent Danger to Life

A warrantless entry into a residence is lawful based on an objectively reasonable basis for fearing that violence is imminent. This includes an imminent threat to your safety and to the safety of others. The Fourth Amendment standard is reasonableness, and it is reasonable for police to move quickly if delay would gravely endanger their lives or the lives of others.

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Courts must consider all of the facts confronting officers in determining if an entry is permissible. The Supreme Court has recognized that even mundane events or conduct that is lawful but nevertheless alarming in context "may portend imminent violence" sufficient to justify an immediate entry.

B. Protective Sweep

A "protective sweep" is a limited, quick, visual inspection of those places where a person who poses a danger to you or others might be hiding.

"Protective sweeps" generally involve two scenarios: officers are inside a residence to effect an arrest or perform other inherently at-risk duties or officers must enter a residence based on some immediate exigency.

With regard to arrests, if you legally arrest someone inside a residence, you are entitled to ensure your own safety by: (1) looking into "closets and other spaces immediately adjoining the place of arrest from which an attack could be immediately launched" without needing any probable cause or reasonable suspicion and; (2) conducting a protective sweep throughout the remainder of the residence, i.e., looking anywhere else where another person could be hiding, if you have reasonable suspicion, based on specific facts, "that the area swept harbors an individual posing a danger to the officer or others."

This type of "protective sweep" requires that you clearly distinguish between "immediately adjoining" areas and other areas where someone could be hiding.

Reasonable suspicion that persons posing a danger to officer safety (or others) is required for a search into any area not immediately adjoining the place you have a lawful right to be.

A reasonable suspicion both that another person is in the premises and that the person is dangerous is required. This same requirement applies to an entry to conduct a protective sweep after suspects have been arrested or detained outside the premises.

C. Searches for Injured Persons/Animals or Missing Persons and the Emergency Aid Doctrine

You may enter a home without a warrant if you have probable cause to believe (1) that an imminent threat exists to the life or welfare of someone inside or (2) that a person reliably reported as missing is inside.

Under the related "emergency aid doctrine," you may enter and search a residence without probable cause if you have "a reasonable basis for believing" that an occupant is seriously injured or threatened with serious injury. The same is true where animals are in danger. The need to enter is not based on whether or not a crime might be involved.

Your subjective state of mind and subjective motivation for the entry are irrelevant considerations: an entry is reasonable if the circumstances, viewed objectively, justify your actions.

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Absolute proof of the "imminent emergency" is not required. What is required is an articulation of facts that make it reasonable, even if uncertain, to believe an emergency does exist. Once you are lawfully inside, your "scope" is limited. You may only search or do whatever is necessary to resolve the emergency - such as determining the presence of victims - and nothing more.

D. **"Emergency Aid" Doctrine**

The "emergency aid exception" is one recognized category of exigency that permits a warrantless entry or search to "render emergency assistance to an injured occupant or to protect an occupant from imminent injury."

The exception is not dependent on the "officers' subjective intent or the seriousness of any crime they are investigating when the emergency arises" and does not require "ironclad proof of 'a likely serious, life-threatening' injury" or even probable cause: the test is whether there was an "objectively reasonable basis for believing that someone inside is in need of immediate aid."

As with all searches based on exigencies, the scope of a search under the emergency aid exception is limited by the nature of the emergency. Generally, a walk-through search limited to a search for persons injured or threatened with injury is proper when the whereabouts of the persons inside a residence are unknown. The "emergency aid" doctrine has also been applied to situations involving less than a full entry of a residence.

E. **Re-Entries**

Officers should be extremely careful about leaving and then re-entering again without a warrant when the exigency that justified your original entry no longer exists. If you are outside only briefly, and for a good reason, the re-entry may be upheld as part of a "continuing police presence." If the exigency is continuing, the justification for the initial warrantless entry will apply to the second entry.

F. **To Prevent Serious Damage to Property**

The warrantless entry of premises may be justified under the emergency exception to protect the owners' or occupants' property.

G. **To Prevent the Imminent Escape of Suspect**

It is proper to enter a residence without a warrant in order to prevent the escape of a suspect, especially if he is armed and dangerous or has just committed a violent felony.

H. **To Make an Arrest**

You may enter a home without a warrant to arrest a suspect you have been following in "hot pursuit." The Supreme Court has held that a misdemeanor offense will not, on its own, justify entry into a residence; there must be additional evidence of some exigency.

I. **"Knock and Notice"**

Generally speaking, if exigent circumstances permit you to enter premises without a warrant, they will also excuse strict compliance with "knock and notice" requirements.

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Nevertheless, you should announce your identity (police) and purpose whenever entering a residence, unless to do so would be dangerous or futile.

J. To Prevent Destruction of Evidence

The "need" 'to prevent the imminent destruction of evidence' has long been recognized as a sufficient justification for a warrantless search of a residence. You may enter premises without a warrant or consent if you have (1) probable cause to believe that there is crime-related evidence inside and (2) reason to believe that this evidence may be removed or destroyed unless you enter, at least where a serious crime ("jailable offense") is involved.

K. "Creating" an Exigency

For many years, California and other jurisdictions developed rules prohibiting warrantless entries if officers "created" or "manufactured" the exigencies that provided the exception for the entry or search. In some jurisdictions, simply knocking on the door and announcing "Police" was sufficient to create an exigency (destruction of evidence) and the evidence would be suppressed.

In 2011, the U.S. Supreme Court finally resolved the issue, holding that the "exigent circumstances rule applies when the police do not gain entry to premises by means of an actual or threatened violation of the Fourth Amendment." The Court emphasized that this is an objective test based on the facts known to the officers at the time of the entry or search and that considerations of bad faith or subjective motivations are improper.

For instance, where officers enter a residence based on the imminent destruction of evidence, if the officers did not create the exigency by engaging in or threatening conduct that violated the Fourth Amendment, a warrantless entry to prevent the destruction of evidence is lawful.

This means that an entry or search based on exigent circumstances will not be invalidated by the fact that the officers' conduct in some way "created" the exigency unless the officers' actions precipitated the exigency and those actions either violated the Fourth Amendment or threatened to do so.

L. Crime Scenes

You may "search" crime scenes without a warrant, but only if a true exigency or emergency exists.

M. Homicide Scenes

There is no such thing as a blanket "murder scene exception " to the warrant requirement. If you reasonably believe that someone is in need of immediate aid, or if you are looking for possible other victims or the killer on the premises, you may enter without a warrant. Otherwise, a warrant is required.

N. Arson Searches

After a fire has been put out, officials may enter or remain inside for a reasonable period of time to investigate the cause. This may even include a "re-entry" if it occurs within a few hours and the interruption was necessitated by darkness, smoke, gases,

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the need to summon police to investigate a possible drug laboratory, or some other condition that made an immediate investigation impractical.

However, if a more substantial period of time goes by, and a reasonable expectation of privacy still exists or is asserted in the fire-damaged premises (e.g., it is a private residence with personal belongings and the owners have boarded it up), the original "emergency" will cease to exist and you will need a warrant or consent before searching further.

O. Other Scenarios

A police standoff outside a private residence is a seizure of the resident who refuses to surrender, and the warrantless seizure will be judged according to the exigencies of the situation. Officers actively engaged in attempting to take the suspect into custody are not required to obtain an arrest warrant. Similarly, an ongoing hostage situation is an exigency excusing the warrant requirement.

P. Suspected Child Abuse

Courts will go fairly far in finding an exigency and permitting a warrantless entry to prevent possible child abuse and neglect.

340.3.4 PLAIN VIEW SEIZURES

Under the general rule, when you see something in "plain view" from a place you have a right to be, no "search" has taken place in any constitutional sense because no one can have a reasonable expectation of privacy as to items in plain view.

You may seize any object that is in plain view, as long as:

- you have a lawful right to be in the place from which you are viewing the object;
- the incriminating character of the object is immediately apparent, i.e., you have probable cause to believe it is crime related; and
- you have a lawful right of access to the location of the object.

Because you see an object in plain view - even contraband - does not automatically mean that you may legally enter without a warrant to seize it. You will need consent, exigent circumstances, or another lawful basis for its seizure.

340.4 SEARCH PROTOCOL

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

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

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- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 - 1. Another officer or a supervisor should witness the search.
 - 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

340.5 DOCUMENTATION

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

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

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

340.6 ACCESS TO UNIVERSITY PROPERTIES AND FACILITIES

Within the scope of their responsibilities and authority, department members may enter portions of University properties and facilities as necessary to respond to emergencies, investigate potential criminal activity, address public safety hazards and threats, perform security checks, conduct community caretaking and facility stewardship, or other work-related purposes. When inside areas with restricted access, department members should limit their actions and activities to those that are reasonable and necessary to accomplish those purposes, and should attempt to avoid unnecessary disruption of University operations.

- (a) Assigned residential units and spaces leased to third parties for exclusive use should be treated as private property.
- (b) Individually-assigned offices should only be entered when a specific and compelling need exists.
- (c) Other semi-private areas should only be entered when a reasonable need exists, including:
 - 1. Office suites and shared workspaces

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2. Alarmed spaces
3. Common areas within housing facilities designated for the exclusive use of residents and their guests
4. Laboratories (i.e. BSL-3, nuclear reactor) and other areas containing hazardous materials or sensitive equipment
5. Surgery suites

Persons who utilize University-controlled storage spaces (including closets, cupboards, furniture, etc.) and University-owned computers or devices with electronic storage may have a reduced expectation of privacy for items or information stored in such storage spaces, and campus units with administrative authority over those locations may have the lawful ability to access such storage spaces, but UC Irvine police department members should not open or search such storage spaces unless:

- (a) Authorized to do so by the campus unit with administrative authority,
- (b) A specific and compelling need exists, or
- (c) Pursuant to a court order.

Communications with Persons with Disabilities

341.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

341.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

341.2 POLICY

It is the policy of the University of California Irvine Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

341.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Lieutenant or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the University ADA coordinator regarding the University of California Irvine Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:
 - 1. Contact information;
 - 2. Availability.
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

341.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

341.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual;
- (b) The nature, length and complexity of the communication involved;
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the University of California Irvine Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

341.6 TYPES OF ASSISTANCE AVAILABLE

University of California Irvine Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

341.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

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341.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested;
- (b) Experienced in providing interpretation services related to law enforcement matters;
- (c) Familiar with the use of VRS and/or video remote interpreting services;
- (d) Certified in either American Sign Language (ASL) or Signed English (SE);
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser;
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

341.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

341.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with

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the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

341.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available;
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

341.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

341.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally

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request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

341.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech;
- (b) Exchange of written notes or communications;
- (c) Verbal communication with an individual who can speech read by facing the individual and speaking slowly and clearly;
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes;
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

341.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

341.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a

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different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

341.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

341.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

341.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources;
- (b) Procedures for accessing qualified interpreters and other available resources;
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training

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Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

341.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers;
- (b) ASL syntax and accepted abbreviations;
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls;
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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342.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the University of California Irvine Police Department (34 USC § 11133).

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

342.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

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

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

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

342.2 POLICY

The University of California Irvine Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the University of California Irvine Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

342.3 JUVENILES WHO SHOULD NOT BE HELD

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

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

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

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

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

342.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

342.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

342.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the University of California Irvine Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the University of California Irvine Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the University of California Irvine Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

342.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the University of California Irvine Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions

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Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

342.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

342.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the University of California Irvine Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

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

In all other cases the juvenile offender may be:

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

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

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

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342.5 ADVISEMENTS

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

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

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

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

342.6 JUVENILE CUSTODY LOGS

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

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

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

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342.7 NO-CONTACT REQUIREMENTS

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

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

342.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the University of California Irvine Police Department shall ensure the following:

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

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

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

342.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the University of California Irvine Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

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

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

342.10 PERSONAL PROPERTY

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

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

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342.11 SECURE CUSTODY

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

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

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

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

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

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

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

342.11.1 LOCKED ENCLOSURES

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

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

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

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

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

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

- (a) Immediate notification of the on-duty supervisor, Chief of Police, Assistant Chief, Operations Lieutenant, and Services Lieutenant.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the University attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

342.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

During the interview or interrogation, only two detectives/officers will be present. In no case should the interview or interrogation of a juvenile suspect last longer than four (4) consecutive hours, or consist of more than four (4) aggregate hours within any contiguous 24-hour period.

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Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel and/or parents or legal guardians in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

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

342.13.1 MANDATORY RECORDINGS OF JUVENILES

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

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

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

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

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342.14 FORMAL BOOKING

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

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

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

342.15 RELEASE OF INFORMATION CONCERNING JUVENILES

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

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

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

342.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

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

342.17 RELIGIOUS ACCOMMODATION

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

342.18 TRAINING

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

Outside Agency Assistance

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

343.2 POLICY

It is the policy of the University of California Irvine Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

343.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

343.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the University of California Irvine Police Department shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

343.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

343.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

343.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Services Division Lieutenant or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

Community Relations

344.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

344.2 POLICY

It is the policy of the University of California Irvine Police Department to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

344.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships.
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

344.4 INFORMATION SHARING

The Department should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications,

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significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

344.5 LAW ENFORCEMENT OPERATIONS EDUCATION

The Department should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Internships at the Department.
- (h) Community Police Academy.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

344.6 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members may be subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

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344.7 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers.

344.8 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Enforcement Actions in Campus Facilities

345.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance and direction to members of this department when entering spaces that are immediately occupied by persons using the facilities for on going university class, lectures and other associated academic activity.

345.2 POLICY

The UC Irvine Police Department is committed to creating a safe environment for faculty, staff and students to work and learn in. This environment includes all classrooms, lecture halls, and other academic facilities located on, or under the control of UC Irvine. Department members will strive to not disrupt or intrude upon these academic spaces for enforcement activities. Nonetheless, there will be instances when police department personnel must enter classrooms, facilities, or other spaces to take enforcement action, or perform other law enforcement related duties.

345.3 ENFORCEMENT ACTION

Officers and other police department personnel should not enter into classrooms to take enforcement action or perform other law enforcement related duties when the space is immediately being used by students, staff or other university sanctioned groups or person(s) except in the following circumstances:

- (a) When invited to enter.
- (b) In an emergency or an exigent situation that would cause a department member to believe that immediate action is necessary to prevent physical harm to an individual(s), and/or prevent property damage.
- (c) When an individual(s) is committing or threatening to commit an act(s) of violence.
- (d) When department members are summoned to maintain public order and/or safety, or to removed anyone being disruptive to the normal working operations of the facility or area.
- (e) All medical emergencies.
- (f) With a search warrant, arrest warrant and/or other legal process.
- (g) With the approval of the Chief of Police or designee.

Whenever practicable, either before or after the action, a department member(s) should speak with and inform the person in charge of the facility or area at the time the action was undertaken of the reason for the enforcement action necessitating immediate entry.

Body Worn Audio/Video System

346.1 PURPOSE

The University of California is committed to officer safety and public safety. The University has equipped its police departments with body worn audio-visual cameras (“BWV’s”, “devices” or “cameras”) for use as part of the officer’s uniform for the recording of field activity in the course of official police duties. The cameras are intended to provide a visual and audio record of police duties, including public contacts, arrests, and critical incidents. BWV’s provide documentation to be used in criminal investigations and prosecutions, internal or administrative investigations, training, and other circumstances. They also serve to enhance the accuracy of police reports, testimony in court, and enhance the Department’s community relationship-based policing efforts.

Body worn cameras provide a limited perspective of any encounter and must be considered with all available facts and evidence, such as officer perception, witness statements, officer interviews, other available video documentation, forensic and/or expert analysis, and documentary evidence. The cameras cannot always show the full narrative nor do they capture an entire scene. The use of cameras does not reduce or alter the requirement to provide thorough written documentation as required by this or other policies.

Persons reviewing recordings must be cautious before conclusions are reached about what the video shows, or when evaluating the appropriateness of an officer’s actions in a particular situation. Evaluating an officer’s actions must take into account a variety of factors and other circumstances.

The University is committed to officer safety and public safety. Officers must follow existing officer safety policies when contacting citizens or conducting vehicle stops as outlined in Department policies and procedures. Officer safety and the safety of the public shall always be the primary consideration, not the ability to record an event.

This policy is intended to balance the respect for privacy and other University values with legal, policy, and administrative obligations. Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion at all times.

346.2 POLICY

346.2.1 REQUIRED USERS

The following sworn personnel, from Lieutenant through Officer, are required to wear the BWV system while on duty, unless otherwise exempted by this Chapter:

- (a) Uniformed personnel while on regular assignment or on overtime status;
- (b) Detectives working in the field in an enforcement or specialized investigative (e.g., gang task force, violent crime task force) capacity, unless the use of BWV may compromise the identity of an undercover officer, confidential informant, or jeopardize tactics;
- (c) Personnel serving a search warrant, unless the use of the BWV may compromise the identity of an undercover officer, confidential informant, or jeopardize officer safety or

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tactics. Any exception to recording pursuant to this subsection (c) must receive prior approval from the Chief of Police or designee;

- (d) Other sworn personnel deemed appropriate by the Chief of Police or designee.

346.3 DEPARTMENT-ISSUED EQUIPMENT ONLY

Officers assigned a BWV camera must not use any other non-Department issued video or audio equipment, such as personally owned video or audio equipment, mobile devices or cell phones, to record enforcement or investigative activities involving members of the public unless authorized by the Chief of Police or designee.

Nothing in this policy precludes officers or other Department personnel from using authorized still photography equipment.

346.4 LOCATION OF BODY WORN CAMERA

The BWV camera generally consists of a body-mounted camera with a built-in microphone. The BWV shall be worn on the outside of the outermost garment (e.g., load-bearing vest, raincoat) or other departmental approved mounting option, on the upper torso, and facing forward in such a way to facilitate optimum recording field of view.

346.5 REQUIRED ACTIVATION OF BODY WORN CAMERA

Subject to the exceptions contained in this Chapter, or pursuant to the direction of a supervisor, officers shall activate their BWV device prior to initiating any criminal investigative or enforcement activity involving a member of the public, including all:

- (a) Vehicle or bicycle enforcement stops;
- (b) Pedestrian stops;
- (c) Calls for service;
- (d) Foot pursuits;
- (e) Searches (except strip searches);
- (f) Arrests;
- (g) Uses of force;
- (h) In-custody transports;
- (i) Witness or victim interviews;
- (j) Forced entry search warrants/tactical deployments;
- (k) When weapons other than those in the possession of law enforcement are present or alleged to be present;
- (l) Any encounter that becomes adversarial after the initial contact;
- (m) Initial inventory of seized money or high value property;
- (n) Crowd management events;

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- (o) Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime, or assist in documenting the incident for later investigation or review.

346.6 EXCEPTIONS TO REQUIRED ACTIVATION OR CONTINUED RECORDING

Exceptions to required activation or continuation of the BWV recording are:

- (a) When, in the officer's judgment, activation, continuing to record, or changing the BWV functions would jeopardize their safety or the safety of the public. However, the officer shall activate or re-activate their BWV as soon as it is safe and practicable to do so unless other exceptional circumstances exist;
- (b) When a witness or victim refuses to provide a statement if recorded by the BWV and the encounter is not confrontational;
- (c) When, in the officer's judgment, a recording would interfere with their ability to conduct an investigation;
- (d) When, in the officer's judgment, a recording would be inappropriate because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances;
- (e) When recording could risk the safety of a confidential informant, citizen informant, victim, or undercover officer;
- (f) In patient care areas of a hospital, clinic, rape treatment center, or other healthcare facility (including mental health) unless enforcement action is being taken in these areas. If recording is necessary, officers shall make reasonable efforts to avoid recording individuals other than the suspect;
- (g) Once a crime scene is secured and the officer no longer has an investigative role, and where the chance of encountering a suspect is unlikely;
- (h) Prior to or while discussing a case on scene with other officers or during on-scene tactical planning;
- (i) When, in the officer's judgment, privacy concerns outweigh any legitimate law enforcement interest in recording;
- (j) When ordered to stop recording by a supervisor;
- (k) When the recording of a person is in violation of the law.

346.7 DISCRETIONARY ACTIVATION

There are many enforcement or criminal investigation situations where the use of the BWV is appropriate, and this policy is not intended to describe every circumstance in which recording would be appropriate or otherwise further the purpose of body cameras. In addition to the circumstance in which activation is required, officers should activate the camera any time they feel its use would be appropriate and valuable to document an on-duty incident, unless otherwise prohibited by this policy or law.

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346.8 ASSIGNMENTS TEMPORARILY PREVENTING BWV USE

It is recognized that officers subject to call out, motorcycle officers, or K9 unit officers may not have access to their BWV equipment prior to responding to a scene, or participating in an enforcement or criminal investigation. In these cases, officers should pick up their camera as soon as practicable.

346.9 RECORDING OF ENTIRE EVENT

Once activated, the BWV shall remain on until the conclusion of the contact or event, unless authorized by a supervisor or otherwise permitted under this Chapter.

346.10 DOCUMENTATION OF RECORDINGS, FAILURE TO ACTIVATE, OR DISCONTINUATION OF BWV RECORDINGS

Officers shall document, in the appropriate report (e.g., police report, traffic citation, CAD entry), if they have captured an incident, did not capture an incident, and/or if they interrupted the recording for any reason.

If an officer does not activate the BWV prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the officer shall notify their supervisor of the reason(s) in writing.

346.11 NOTICE TO MEMBERS OF THE PUBLIC OF BWV RECORDING

Officers are not required by law or this Chapter to obtain consent from members of the public when the officer is lawfully in an area where the recording takes place. However, officers may inform individuals they are recording, when feasible to do so, particularly when the advisement may gain compliance or cooperation, or assist in an investigation.

In addition, officers entering into a private space, (e.g., residences, restrooms, locker rooms), must make a reasonable effort to notify the occupants that the BWV is present before entering the area, unless: the officer enters the area pursuant to a warrant; such notice would, in the officer's judgment, jeopardize their safety or the safety of the public; such notice would compromise an investigation or tactics; or if other exigent circumstances exist.

346.12 PLAYBACK OF BWV RECORDING

Officers are not required to play back BWV recordings to allow members of the public to review the video footage in the field.

346.13 PROHIBITED BWV RECORDING

The activation or use of the BWV is prohibited, unless otherwise authorized by this Chapter, during:

- (a) Department briefings, meetings, roll calls or while in private Department spaces such as locker rooms, break rooms or restrooms;
- (b) Non-work related activities or other activities not related to enforcement contact nor criminal investigation;
- (c) Private conversations with any other member of the Department without the written consent of all involved parties;
- (d) Department administrative investigations;

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- (e) Homicide or other major crime briefings, or during a homicide walk-through;
- (f) Contact with confidential informants;
- (g) Depositions, court proceedings, pre-trial conferences, or any other judicial or quasi-judicial proceedings (e.g., administrative hearings such as Department of Motor Vehicle hearings);
- (h) While in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a call for service involving a suspect or taking a suspect, victim, or witness statement;
- (i) While inside jail facilities;
- (j) Any area where audio or video recording is prohibited by law.

Nothing in this section is intended to interfere with an officer's ability to openly record an interrogation pursuant to California Govt. Code §3303(g), or to preclude activating the BWV when confronting a violent or assaultive suspect or other circumstance where a reasonable use of force may be anticipated.

346.14 TRAINING

Officers who are assigned the BWV must complete Department approved training in BWV policies, proper use, and maintenance of the device before using the system in the field. Supervisors must complete Department approved training in the supervision and management of the BWV system.

Supplemental training will be conducted when deficiencies are identified in policy compliance, use, maintenance, or supervision and management of the BWV system. Additional appropriate training will also be conducted should there be changes in policy, hardware, or software that affects the use, maintenance, supervision or management of the system.

346.15 INSPECTION AND TESTING OF EQUIPMENT

Officers shall be responsible for inspecting and testing their BWV equipment at the start of their shift and shall ensure that the equipment is properly functioning. Officers shall notify their supervisor, in writing, if the BWV equipment is not properly functioning. For purposes of this Chapter "in writing" shall include e-mail.

346.16 ASSIGNED BWV EQUIPMENT

No officer shall use BWV equipment not assigned to them, unless authorized by a supervisor.

346.17 DAMAGED, MALFUNCTIONING OR INOPERABLE EQUIPMENT

The BWV equipment is the responsibility of the assigned officer and must be used with reasonable care to ensure proper functioning and reliability. If an officer's BWV malfunctions or is damaged or inoperable, the officer shall notify the on-duty supervisor. Campuses shall develop and implement local policies on notification and documentation of such notification.

If feasible, the supervisor shall provide the officer with a functional BWV prior to the officer deploying to the field. However, the lack of a BWV unit shall not prevent an officer from working their shift or assignment.

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An officer shall not be held financially responsible for damaged, malfunctioning or inoperable equipment unless abuse of the equipment by the officer is found to be the cause.

346.18 LABELING, CATEGORIZING AND UPLOADING RECORDINGS

Officers shall label, categorize and upload their BWV recordings into the BWV data storage system in accordance with UCPD procedure(s).

346.19 VIEWING RECORDING BY RECORDING OFFICER

Subject to the exceptions in this Chapter, officers should review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to assist with reports, statements, and documentation that are accurate and complete. Officers must not use the fact that a recording was made to avoid preparing an accurate, detailed, and complete report.

346.20 MODIFICATION, ALTERATION, OR DELETION

No employee shall modify, alter, or delete video or audio once recorded by the BWV camera, except as authorized by Department policy.

346.21 REQUEST FOR DELETION OF ACCIDENTAL RECORDING

In the event of an accidental activation of the BWV where the resulting recording is of no potential investigative or evidentiary value, the recording officer may request that the BWV file be deleted by submitting a request in writing to the Chief of Police or designee who shall review the recording, and if approved, send the request to the system administrator for deletion.

346.22 RESTRICTION OF PERSONAL OR SENSITIVE INFORMATION

In the event of a BWV recording that captures sensitive or personal information for which access should be restricted ("restricted recording"), an officer may submit a request in writing to the Chief of Police or designee to restrict access to that portion of the recording. The Chief of Police or designee will determine what, if any, portion of the recording shall be restricted. The system manager will then restrict access to only that portion of the recording that is approved. The remainder of the recording will be maintained consistent with existing policy.

346.22.1 ACCESS TO RESTRICTED RECORDING BY AUDITOR OR INVESTIGATOR

The Chief of Police or designee may allow an investigator or auditor to view a recording that has been restricted pursuant to Section 347.22 if the request is necessary in order to conduct an authorized criminal investigation, administrative investigation, or a Department inspection or audit.

- (a) **Notification Prior to Access of Restricted Recording.** Prior to granting access, the Chief of Police or designee must notify the officer who originally requested that the recording be restricted. If the original officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection in writing within seven calendar days of receiving notification. Absent exigent circumstances, the restricted portion of the recording shall not be disclosed or reviewed by others until the Chief of Police or designee has made a determination regarding the objection and disclosure.

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Once a final determination has been made, the original requesting officer will be notified in writing within 48 hours, and prior to release of the restricted information.

- (a) **Exception to Notification Requirement for Restricted Recording.** When notification of a request to review a restricted recording would compromise an ongoing administrative or criminal investigation, the notification requirement in Section 347.22.1(a) shall not apply if approved by the Chief of Police or designee.

346.22.2 ACCESS TO RESTRICTED RECORDING BY LAW ENFORCEMENT OR LEGAL OBLIGATION

If a restricted recording is requested by another law enforcement agency, or the Department is required to produce it by law, the officer who originally requested the information be restricted will be notified, absent exigent circumstances, of the request or legal requirement, within 48 hours, in writing.

346.23 UNAUTHORIZED ACCESS TO RECORDINGS PROHIBITED

Although the data captured by the BWV is not considered Criminal Offender Record Information ("CORI"), it shall be treated as such and in accordance with Department policy regarding access to CORI. All access to the system must be logged and is subject to audit at any time. Accessing, viewing, copying, or releasing BWV data, including recordings, for non-law enforcement purposes not otherwise authorized by this Chapter is strictly prohibited and will result in disciplinary action.

Access to BWV data shall only be from Department authorized computers, Department work stations or the BWV cameras. However, administrative users of the BWV data or evidence management system may access the data from a Department authorized device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking users.

346.24 COPYING OF BWV RECORDING OR DATA

Personnel shall not make copies of any BWV recording for personal use or to share with unauthorized individuals or entities. Only department authorized devices shall be used to copy, view, share, or otherwise distribute BWV recordings. Digital evidence captured by BWC are investigative records and shall be handled pursuant to existing Department policies and procedures.

346.25 REVIEW OF BWV RECORDINGS BY DEPARTMENTAL EMPLOYEES

Access to BWV data shall be limited as follows, unless otherwise provided for in this Chapter:

- (a) Officers may view their own BWV data for official Department business;
- (b) Any employee may review BWV data as it relates to:
1. Their involvement in an incident for purposes of completing a criminal investigation and/or preparing official reports;
 2. Prior to courtroom testimony, courtroom presentation, or testimony at a quasi-judicial administrative hearing;
 3. Providing a statement in an administrative investigation.

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4. Providing a statement in a criminal investigation, including officer-involved shooting investigations and other uses of force;
 5. This section does not apply to sworn personnel providing a public safety statement following a critical incident.
- (c) When exigent circumstances exist, such as identifying a suspect or other pertinent information in the event of an injured officer;
- (d) Supervisors and/or investigators who are investigating an allegation of misconduct, may view the recording in order to assist in the investigation. For citizen complaints, a supervisor may independently review applicable video. For internally generated allegations of misconduct, a supervisor shall receive authorization from the Chief of Police or designee to review any applicable video;
- (e) Command staff may randomly review BWV recordings for the purposes of validity testing, including the review of one recording per officer per month. Any BWV system deficiencies identified will be documented and remedied. The method of random selection will be agreed upon between the Federated University Police Officers Association (FUPOA) and the UC Council of Chiefs. Any performance issues will be discussed with the officer and training provided. Any criminal activity will be investigated.
- (f) To allow for necessary administrative functions such as BWV data management, system maintenance and repair, and evidence management;
- (g) Command staff, supervisors, and authorized Department personnel may conduct random periodic inspections and reviews to determine whether Department personnel are accessing BWV recordings and data for legitimate and authorized purposes;
- (h) Supervisors may review BWV recordings, but not in violation of Section 347.27, as follows:
1. When necessary as part of the report approval process.
 2. To ensure that the video and audio was properly captured, uploaded/downloaded;
 3. To ensure that the video and audio was categorized appropriately for evidentiary or retention purposes;
 4. To conduct roll call training on expectations, use and maintenance of BWV equipment. Any use of BWV recordings for training must comply with Section 347.27 of this Chapter;
 5. To debrief BWV-captured incidents of value after obtaining authorization from the Chief of Police or designee
 6. In order to resolve citizen complaints pursuant to Section 347.25(d).

346.26 USE OF RECORDINGS FOR TRAINING

A BWV recording may be used for training, as long as the recording will not be used for disciplinary purposes. Any person recommending a particular recording shall submit the recommendation through the chain of command.

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The Chief of Police or designee must notify the recording officer and any depicted officer of the intent to use the recording for training. If any such officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection orally or in writing. The Chief of Police or designee shall determine whether an officer's objection outweighs the training value.

346.27 RESTRICTION ON USE FOR MONITORING FOR VIOLATIONS OF POLICY/LAW

It shall be a violation of this policy for supervisors to review recordings for the sole purpose of looking for violations of Department policy or law not related to a specific complaint or incident. This section is not intended to restrict Command staff from performing monthly viewings of an officer's recordings pursuant to Section 347.25(e) of this Chapter.

346.28 USE OF DEADLY FORCE - HANDLING OF RECORDING

For any use of force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury, the following shall apply:

- (a) The supervisor of the involved officer(s) must take possession of their BWV equipment as soon as possible, ensuring that recording has stopped and that the power is off, and maintain custody until the BWV is transferred to the assigned investigator;
- (b) The Chief of Police or designee will assign an investigator, and the assigned investigator shall take possession of the BWV camera, and perform the upload process, if necessary;
- (c) In order to protect the integrity of the video and to ensure that the video is properly uploaded, the officer(s) involved shall not be allowed to review the BWV recording prior to turning over the BWV equipment to the supervisor.
- (d) The involved officer shall be permitted to view the BWV video of the incident once the video has been uploaded to the server. If the officer chooses not to view the video prior to giving an initial statement, the officer will have an opportunity to review the recording(s) after the initial statement has been taken and provide a supplemental statement if desired.
- (e) Prior to viewing the BWV, the officer must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A);
- (f) The fact that the officer was given the opportunity to review the BWV should be documented, as well as the time, date and location of any such viewing;
- (g) Supervisors shall not view the BWV recording without express permission from the Chief of Police or designee;
- (h) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence;
- (i) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

See Video/Audio Evidence Review Acknowledgment: [UC Irvine PD - BWV Acknowledgment.pdf](#)

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346.29 OTHER USE OF FORCE - HANDLING OF RECORDING

For any use of force not covered by Section 347.28, the following shall apply:

- (a) Supervisors shall allow involved officer(s) to review their own BWV recordings;
- (b) Supervisors shall allow involved officer(s) to review other BWV recordings, if deemed necessary to assist with complete and accurate reports and documentation of the incident;
- (c) Prior to viewing the BWV, the involved officer(s) must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A);
- (d) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence;
- (e) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

See Video/Audio Evidence Review Acknowledgment: [UC Irvine PD - BWV Acknowledgment.pdf](#)

346.30 RETENTION

Digital evidence captured by BWC shall be treated as an investigative record and handled pursuant to existing Department retention policies and procedures.

346.31 TECHNICAL SPECIFICATIONS AND SYSTEM SECURITY

The University of California Systemwide Coordinator of Police Services shall, in consultation with the Council of Police Chiefs, develop minimum technical standards and specifications and system functionalities for BWV systems. In addition, the security of the BWV data must be in compliance with University policy and within the Criminal Justice Information Services guidelines.

Use of Force Reporting Requirements

347.1 PURPOSE AND SCOPE

This policy provides the reporting requirements for any use of force and any medical consideration prior to booking or release.

347.2 REPORTING THE USE OF FORCE

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

347.2.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

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

347.2.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

347.3 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

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medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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

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

347.4 SUPERVISOR RESPONSIBILITY

The on-duty supervisor shall make every effort 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.
- (c) 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.
- (d) Identify any witnesses not already included in related reports.
- (e) Review and approve all related reports.
- (f) Complete a Supervisor Use of Force Review report form and submit the completed form to their Lieutenant within 48 hours of the event.

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.

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347.4.1 WATCH COMMANDER RESPONSIBILITIES

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. The Sergeant shall complete a Supervisor review form for all use of force incidents.

347.5 TRAINING

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

347.6 USE OF FORCE ANALYSIS

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

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Shift Summary Report

348.1 PURPOSE AND SCOPE

This policy provides the reporting requirements for the Watch Commander during every patrol shift at the Medical Center and the Irvine Campus.

348.2 SHIFT SUMMARY REPORT

The Watch Commanders at both the Irvine and Medical Center campuses shall complete the Shift Summary report at the end of each patrol shift (0700/1900 hours).

If no Watch Commander is working at one of the campuses, the most senior officer working at that particular campus shall be responsible for informing the watch commander of any items listed under required entries so they can be included in one shift summary.

Significant incidents involving detective bureau personnel should be reported to the patrol watch commander to be included in the shift summary. The report will then be distributed to designated personnel via the department's e-mail system.

348.3 REQUIRED ENTRIES

Items that shall be included in the shift summary include the following. If there are no significant incidents to report, a shift summary is still required to be sent with the "No Reportable Incidents" box checked.

- (a) All Felony arrests;
- (b) All arrests booked at Orange County Jail;
- (c) Any crime that involves major injuries;
- (d) Any incident that involves a Use of Force or Weapons Drawn report;
- (e) Any police-related contact with prominent UCI individuals;
- (f) Any significant or unusual supervisory actions;
- (g) Any event that is likely to be of interest or attract the attention of the Chief, Chancellor, Vice-Chancellor (DFA), or any of their cabinet members;
- (h) Burglary investigations (auto burglaries not included);
- (i) Deaths: unattended or accidental;
- (j) Employee Injury;
- (k) Fires: structure, brush, or wildland;
- (l) Hate crime or Hate Incidents;
- (m) Large civil disturbances or parties;
- (n) Medical assists in which serious injury, death, or other unusual circumstances occur;
- (o) Mutual aid requests by or for our agency;
- (p) Officer-involved shooting or Use of Deadly Force;

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- (q) Press: any scene/event the media is present, any crime/event the media may follow up on, or any crime/event that could attract press attention;
- (r) Prisoners requiring medical treatment;
- (s) Pursuit;
- (t) Riot or other major disturbance;
- (u) Traffic collisions: fatality, a serious injury, a hazardous spill, major traffic control problem, or it involves a University-owned vehicle;
- (v) Significant coordination/deployment of personnel;
- (w) Significant personnel issues;
- (x) Critical Missing Person or Elopement with Missing Patient – Attempts no applicable;
- (y) Other incidents at the discretion of the Watch Commander.

Line Inspections

349.1 PURPOSE AND SCOPE

To provide guidelines for carrying out line inspections, which includes the regular examination of all department members, equipment, vehicles and facilities for the purpose of ensuring operational readiness and verifying an appearance and general condition in compliance with department policy.

349.2 POLICY

All department members are expected to maintain their issued or mandatory uniform and equipment in a state of operational readiness, and to comply with all relevant appearance and general condition standards as described in department policy. Department members are also expected to maintain all issued or shared department vehicles, equipment, and facilities they use in a similar fashion. Managers and supervisors are responsible for conducting regular inspections of department members, department equipment, vehicles and facilities to achieve accountability and to correct deficiencies in a timely fashion.

349.3 INSPECTION PROCEDURES

Every manager and supervisor has the responsibility and authority to conduct regular inspections of the department members, vehicles, equipment and facilities within their division or unit, as well as of all shared or common department vehicles, equipment and facilities. This includes:

- (a) Casual inspections, which are cursory, random, and occasional
- (b) Formal inspections, which are thorough, systematic, scheduled, and documented

No employee shall have their locker, personal items or other space for storage that may be assigned to them searched except in their presence, or with their consent, or unless a valid search warrant has been obtained or where they have been notified that a search will be conducted (Government Code § 3309).

When an inspection reveals a deficiency, the manager or supervisor should take action to address and correct the problem without unnecessary delay.

When an inspection reveals a hazardous, egregious, or repeated deficiency, the manager or supervisor should document the deficiency in Smartsheet or Line Inspection Form and the plan or need to address and correct it in a timely manner.

349.4 PERSONNEL INSPECTIONS

Department managers and supervisors should conduct casual inspections of personnel within their division or unit on an ongoing basis, including daily observation of department members' uniforms, equipment, vehicles and workplace.

On a quarterly basis, as directed by the division managers, supervisors should ensure that all department members are formally inspected. Formal personnel inspections shall be documented on the approved department Smartsheet reporting form and Line Inspection form.

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349.5 VEHICLE INSPECTIONS

Vehicle inspections will be performed as according to the Vehicle Maintenance and Use policy.

349.6 FIREARMS INSPECTIONS

Firearms inspections will be performed as according to the Firearms policy.

349.7 OTHER EQUIPMENT AND FACILITY INSPECTIONS

Department managers and supervisors should conduct casual inspections of other shared or common equipment and facilities on an ongoing basis.

Formal inspection of department equipment or facilities dedicated to specific programs or units will generally be considered the responsibility of any department member assigned to manage that program or unit, but any supervisor or manager who observes a deficiency should take action to address and correct the problem.

Deficiencies involving shared or common equipment or facilities should be brought to the attention of the Director of Administration.

349.7.1 EMERGENCY RESPONSE EQUIPMENT AND SUPPLIES

Emergency response equipment and supplies shall be inspected biannually to ensure they are in a state of operational readiness. Emergency response equipment will be stored in the armory located on the patrol side.

For members of the Systemwide Response Team (SRT), supervisors shall conduct a biannual inspection of all issued equipment for each team member.

349.8 ANNUAL SUMMARY

The Operations Lieutenant is responsible to provide the Chief of Police with an annual written summary and assessment of all formal inspections and deficiencies documented pursuant to this policy.

Canines

350.1 PURPOSE AND SCOPE

The Canine program was established to support police services at the Irvine and Orange campuses. This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders. Canines will only be used for the purposes they have been trained.

350.1.1 PROHIBITED USE

The University of California Irvine (UCI) Police Service Dogs should not be used for the following:

- (a) To search for other animals;
- (b) To apprehend any person under the influence of alcohol or drugs when no other crime is involved;
- (c) To apprehend any mentally disturbed person when a crime is not involved;
- (d) To perform "Stud" service for any reason or any type of application that would yield a personal or financial reward;
- (e) To apprehend any person known to be a juvenile, except when the juvenile poses a threat of great bodily harm to officers or the public;
- (f) To search for missing persons (Exceptions: 350.9 - Non-Apprehension Guidelines).

350.2 POLICY

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

350.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Operations Division to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs.

350.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Operations Division or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.

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- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.
- (i) Schedule and coordinate with handlers the annual recertification of all canine teams in all appropriate disciplines.
- (j) Approve demonstration requests as received.
- (k) Attend frequent trainings and work with the vendor to ensure all training is consistent with this policy

350.5 REQUESTS FOR CANINE TEAMS

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

350.6 OUTSIDE AGENCY REQUEST

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

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

350.7 PUBLIC DEMONSTRATION

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

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350.8 APPREHENSION GUIDELINES

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

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

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

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

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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

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

350.8.1 PREPARATION FOR DEPLOYMENT

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

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

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- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.
- (h) As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.
- (i) It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever the handler deems deployment is unsuitable.
- (j) A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.
- (k) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

350.8.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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

350.8.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

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

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

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in

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accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

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

350.9 NON-APPREHENSION GUIDELINES

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

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

350.9.1 ARTICLE DETECTION

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

350.9.2 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

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- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
- (e) At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

350.10 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Minimum of two years experience as a Police Officer, including one as a UCI Police Officer, and currently possess or qualifies for a POST Intermediate certificate.
- (c) Last annual evaluation overall rating was at an Above Average or higher.
- (d) No sustained allegations of excessive force in the previous five years.
- (e) Be in good physical condition with the ability to climb, squat, bend, walk and run and keep pace with the Canine.
- (f) Professional commitment to the Department's mission and the canine program.
- (g) Excellent ambassador for the Department.
- (h) Individual characteristics that can be matched to the Canine.
- (i) Positive attitude towards canines: interest and fondness for canines.
- (j) Patience and perseverance.
- (k) Mental and physical ability to convey instructions and commands to the Canine.
- (l) Physical endurance: Training and working the Canine is strenuous, and the handler must be able to keep up with the canine during extended periods of training or work.
- (m) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (n) A garage that can be secured and can accommodate a canine vehicle.
- (o) Living within 60 minutes travel time from the University of California, Irvine University limits (during normal traffic conditions).
- (p) Resourcefulness: The handler must have demonstrated the ability to cope with any field problem or situation with a minimum of supervision.
- (q) Dependability: The welfare of the dog depends on the handler. The handler must be willing to provide kennel management, feeding, grooming, and sanitation without constant supervision. The handler must be willing and available to report for special duty on short notice should the need arise.
- (r) Self-motivation: Must have demonstrated the ability to work with little or no direct supervision.

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- (s) Communications skills: Must be willing to do K-9 demonstrations in the community and provide a high-level of public speaking abilities.
- (t) Family interest: Since the dog will be housed at the handler's home, it is essential that the handler's family understand the handler's obligation and responsibilities for the care of the dog and that the Canine is a working service dog and not a family pet.
- (u) Other Animals: In view of the nature of the training, the handler may find that their assigned dog will not be compatible with other dogs or animals in the household. Should this problem arise, the handler must be prepared to make satisfactory disposition of other family pets to avoid dangerous conflicts between the animals, which could result in serious injury to the handler, members of their family, or the dog.
- (v) Scheduling flexibility: Willingness to adjust schedule to meet department needs.
- (w) Agreeing to be assigned to the position for a minimum of three years.

350.11 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the University of California Irvine Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the University at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.

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- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

350.11.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

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

350.12 HANDLER SELECTION PROCESS

Following a posting for recruitment, interested candidates will be considered for the position of canine handler using the following selection process.

- (a) Interested officers are required to submit a letter/memo of interest for the Canine Coordinator detailing how they meet the minimum qualifications (350.10), their interest in the position, and any specific experience that uniquely qualifies them for the position.
- (b) The Canine Coordinator will review the submitted letters/memo of interest to ensure each applicant meets the minimum qualifications. Following the applicant screening, the Canine Coordinator will schedule an oral board.
- (c) The oral board may include supervisors, managers, and current or past canine handlers from this or other departments. The candidate will be evaluated on the following criteria:
 - 1. Demonstrated competence and good judgment;
 - 2. Thought process regarding response to critical incidents;
 - 3. Prior skills, training, and experience;
 - 4. Meeting the qualifications to be a canine handler.
- (d) Final selection of a canine handler will be made by the Chief of Police based on the recommendation of the Canine Coordinator. The canine handler position is a specialty assignment. The Chief of Police shall have sole discretion to determine who shall be assigned as specialists and the duration of specialty assignments.

350.13 REMOVAL FROM UNIT

The Chief of Police reserves the right to remove a handler from the unit for disciplinary action alone or other cause including but not limited to:

- (a) Inattention at training sessions or training the Canine for other non-departmental uses;

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- (b) Continual tardiness and/or absences at training sessions;
- (c) Non-compliance and/or non-submission of required reports, statistics, and other reports or canine records;
- (d) Performance Appraisal with an Overall Rating of Needs Improvement;
- (e) Failure to certify the service dogs as required;
- (f) Failure to comply with the K-9 Unit Policy/Orders and Operation Manual;
- (g) Mistreatment or abuse of the Canine.

350.14 HANDLER COMPENSATION

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

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

350.15 CANINE CARE, INJURY, MEDICAL CARE, AND BOARDING

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

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

- (a) It shall be the responsibility of the dog handler to keep their dog in such physical condition that the dog is able to perform the duties expected of a police service dog;
- (b) Any indication that the dog is not in good condition shall be immediately reported to the Canine Coordinator as soon as practical;
- (c) Police dogs should be fed their daily meal in accordance with current veterinary recommendations;
- (d) The police dog shall be thoroughly groomed each day;
- (e) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm;
- (f) Under no circumstances will the canine be lodged at another location unless approved by the Canine Coordinator or Operations Lieutenant;
- (g) When off-duty, the handlers will not conduct any personal business with the Canine;
- (h) The canine handlers will conduct themselves in an orderly manner and discourage "horseplay" among themselves and/or other officers. It is the handler's responsibility to control the dog at all times;

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- (i) Police dogs shall not be left unattended in a manner in which they may have contact with the public;
- (j) Canines shall be kept on leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained;
- (k) Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Canine Coordinator. All demonstrations should be done in a safe manner and should avoid getting any bystander involved;
- (l) While on routine patrol, the dogs will remain in the rear of the canine patrol car or under the direct control of the handler;
- (m) Under no circumstances will the dog be allowed or encouraged to jump up or on the exterior of the canine patrol vehicle;
- (n) When leaving the dog unattended in the canine patrol vehicle, the handler will secure and lock all doors in the vehicle in such a manner to prevent access to the dog. The handler shall also ensure that the unattended unit remains inhabitable for the canine;
- (o) Under normal circumstances, no one but the handler shall handle, feed, or give commands to the dog;
- (p) The dog shall be licensed to the University of California, Irvine;
- (q) Each dog assigned to a handler will live at the home of the handler. The Police Department will provide a kennel facility to be placed at the handler's home while they are assigned to the Canine Unit;
- (r) The kennels will be kept in a clean and sanitary condition at all times and secured with a lock;
- (s) Upon the transfer of the officer from the canine unit, the kennel will be removed and reassembled at the residence of the new officer being assigned;
- (t) In the event that a canine is injured, or there is an indication that the Canine is not in good physical condition, the injury or condition will be reported to the Canine Coordinator as soon as practicable and appropriately documented;
- (u) All medical attention shall be rendered by the designated Canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file;
- (v) If an injury occurs in the line of duty, it will be documented in a police report and routed to the Canine Coordinator. If the injury occurs while off-duty, it will be documented in memo form to the Canine Coordinator;
- (w) Canines will be retired upon the recommendation of the treating veterinarian, the handler, the Coordinator, and with the approval of the Chief of Police. When it becomes necessary to retire a department-owned Canine from active duty, the Department may transfer ownership of the animal to the last handler, provided that they wish to keep the canine;

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- (x) Should the last handler decline to accept the Canine, an appropriate caretaker will be found. An agreement releasing the University of California of all liability must be completed with the person taking possession. Due to the liability which may be incurred, the approval from the Chief of Police must be obtained before placement of the Canine;
- (y) In the event of the death of a department Canine, an investigation into the circumstances shall be conducted by the Canine Coordinator or their designee as soon as practical. The Chief should be notified of the death when appropriate.

350.16 INJURIES TO HANDLERS OR OTHER PARTY

Although this Department's canines are not "aggression" trained, if the handler is down, the Canine may stand guard and prevent anyone from approaching. The following course of action should be considered by all officers in the event a canine handler is injured and unable to command his/her Canine:

- (a) Request the assistance of another handler;
- (b) Request the assistance of an Animal Control Officer;
- (c) DO NOT rush in on the handler or Canine;
- (d) Call to the handler to call off the Canine, if possible;
- (e) Shooting of a law enforcement canine should be a last resort and should be done in only the most critical situations, considering all possibilities. The approval of the Watch Commander should be obtained first;
- (f) If the handler is injured and a Canine is in a patrol vehicle, care should be taken before entering the vehicle. The Watch Commander shall make arrangements for the care of the Canine;
- (g) Injuries to others -- If a bite or injury results from the use of a Canine, that information shall be documented in the appropriate police report.

350.17 TRAINING

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

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

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

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350.17.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST, CNCA, or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the University of California Irvine Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

350.17.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

350.17.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

350.17.4 TRAINING AIDS

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

350.17.5 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

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

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.

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- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

350.18 VEHICLE TRANSPORTATION

The following guidelines relate to vehicle transportation:

- (a) Prisoners shall not be transported in a vehicle with the Canine unit unless the vehicle is equipped with a split partition separating the prisoner area from the canine area or in exigent circumstances with the approval from the Watch Commander;
- (b) In situations where a prisoner is transported in a Canine vehicle and there is no separation partition as described in section (a), the prisoner must be compliant, and transported seat belted in the front passenger seat;
- (c) Violent or aggressive prisoners shall not be transported with a Canine at any time;
- (d) The handler has discretion to determine whether or not to transport a suspect in the handler's vehicle along with the Canine;
- (e) A member of the general public should not be transported in the same vehicle as an Explosives Detection Canine without the canine coordinator's prior approval.

350.19 CARE AND MAINTENANCE OF CANINE TEAM VEHICLES

- (a) Each Canine Team is assigned a vehicle to be used for UCI business only.
- (b) Canine vehicles shall be kept at the Police Department or garaged or stored within a fenced area, so as to be completely out of the public view at the home of the Canine Officer. The structure or area containing the vehicle shall be secured when the vehicle is unattended.
- (c) It is the responsibility of the Canine Officer to ensure the care and maintenance of the Canine vehicle. Regular service intervals, as scheduled by Fleet Maintenance, will be met. Canine vehicles shall be kept clean and in good repair at all times. Any damage caused by a Canine shall be reported to the Canine Unit Manager or the Watch Commander as soon as practical.
- (d) Only markings approved by the Department shall be displayed on Canine Vehicles.
- (e) Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Members shall complete a vehicle inspection checklist before using any vehicle and submitting that checklist, via Smartsheets, to the Watch Commander. As part of the inspection, Officers shall ensure the following equipment is present in the vehicle:
 - 1. K-9 Medical Bag

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2. K-9 Training Aids
3. K-9 Vehicle Heat Detection Monitor
4. Gate Remote
5. Bail Out Bag including spare rifle magazine, tourniquet, and blood clotting material
6. Fire Extinguisher
7. Map
8. Bolt Cutter
9. Yellow Blanket
10. Sealed First Aid Kit
11. AED
12. 15 Flares
13. Traffic/Crime Scene Tape
14. Box of Latex Gloves
15. Rol-a-tape
16. Crayons or Chalk
17. Hazardous Materials Emergency Response Handbook
18. Digital Camera
19. Breaching Tool

Duty to Warn/Tarasoff Notification

351.1 PURPOSE AND SCOPE

The purpose of this order is to set procedures for investigating and reporting threats communicated to a mental health professional, commonly referred to as "Tarasoff Incidents," or in cases where a member of the Department becomes aware of any act or credible threat to injure or harm another person, reasonable efforts shall be made to document and notify the intended victim, as well as provide assistance that may be reasonably available for that person's safety.

351.2 DEFINITIONS

Tarasoff Notification (pursuant to *Tarasoff v. The Regents of the University of California of California* (551 P.2d 334 (Cal 1976)) - a notification from a licensed psychologist/counselor to the police and targeted people regarding death threats.

351.3 NOTIFICATION

When an imminent or credible threat to a person is received, the following will be implemented:

- (a) Immediate notification to the on-duty supervisor, as well as the intended victim. The matter will be initially handled by Patrol Officers.
- (b) Documentation of notifications or attempted notifications in a case report by time and date.
- (c) When the threat is not imminent and personal contact cannot be made, a letter detailing the threat and attempt to contact will be drafted by the Watch Commander and submitted through the chain of command to the Chief of Police for signature.
- (d) The letter will be sent to the intended victim by registered mail, requesting a return receipt. The return receipt will be filed with the case report.
- (e) In the event that contact cannot be made and there is no proof of mail service, the investigating officer will notify their supervisor to determine the next appropriate course of action. To demonstrate due diligence, this information will be documented in the case report.

351.3.1 SUPERVISOR RESPONSIBILITY

The on-duty supervisor is responsible for:

- (a) Ensuring that the entire notification procedure is completed.
- (b) Coordinating with other departments and agencies as necessary to accomplish the notification and documentation.
- (c) Ensuring proper notification is made to the Chief of Police or designee.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.2 PATROL BRIEFINGS

Patrol and Detective sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.3 POLICY

The University of California Irvine Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.4 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of University of California, Irvine. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies. Public Safety personnel will generally provide the following services within the limits of their assignments with available resources through Prevention, Intervention, Education, and Enforcement (P.I.E.E.) efforts:

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.

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- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

400.5 ASSIGNMENT OF PATROL RESOURCES

The on-duty patrol supervisor maintains the overall responsibility of managing resources and determining if additional resources are needed for the initial response, on-scene and incident management to ensure the safety of members and the public, and the effective and efficient handling of public safety responses and calls for service.

Members who are responding to a call for service, request for assistance, or already on-scene and managing a specific incident may request additional officers or resources based on their assessment. Requests may include, but are not limited to, additional public safety or law enforcement resources, fire, EMS, traffic, university services, city or county services.

Requests for outside resources such as K9, MAIT, or mutual aid responses from outside resources can be made by the handling officer(s), however they should go through the on-duty watch commander for final approval. Requests for air support shall follow department policy 434.

When two or more officers are dispatched to a call for service, the first officer arriving on scene may cancel the cover officer if the officer determines that additional cover officers are not needed.

400.5.1 CASE ASSIGNMENTS

The officer assigned as the primary unit for a call for service (or self-initiated event) is also designated the case officer if a crime or other police report is required, unless this responsibility is reassigned by a supervisor.

Unless otherwise specified by policy or reassigned by a supervisor, the designated case officer is responsible for accurate and timely investigation, classification and documentation of the initial event, and for any initial follow-up investigation, notifications, documentation or other efforts needed to resolve the case until the case is assigned to a detective.

Bicycle Patrol

401.1 PURPOSE AND SCOPE

The University of California Irvine Police Department has established the bicycle patrol assignment for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

401.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, Bicycle Education and Enforcement Program (BEEP) detail or other special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol supervisor or the Watch Commander.

401.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to the Operations Lieutenant. A copy will be forwarded to the Bicycle Patrol supervisor for review and comment. Qualified applicants will then be invited to an oral interview. The oral board will consist of a supervisor and second person to be selected by the supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

401.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol supervisor will be selected from the rank of sergeant by the Operations Lieutenant and Assistant Chief of Police.

The Bicycle Patrol supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment each quarter.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Operations Division.

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- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol assignments.

401.4 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

401.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating a department patrol mountain bicycle. Safety equipment includes a department-approved helmet, riding gloves, protective eyewear and approved footwear. Bicycle patrol officers shall carry the same equipment on their bicycle patrol duty belt or ballistic vest cover as they would on a regular patrol assignment. Bicycle patrol officers should carry a retractable ASP instead of a standard baton while performing bicycle patrol duties.

If any of the department-issued safety equipment becomes damaged, the employee shall notify the Bicycle Patrol Unit Supervisor.

The bicycle patrol unit uniform consists of a bicycle patrol specific short-sleeve uniform shirt (or other department-approved shirt) with a department badge (cloth or metal) and shoulder patches, and bicycle patrol pants or shorts. Optional equipment includes a radio head set and microphone and jacket in cold or inclement weather. A turtleneck shirt or sweater is permitted when it is worn under the uniform shirt.

Officers are responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

401.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached rear gear bag, two batteries and a battery charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with the word "POLICE" affixed to each side of the bicycle's tube and rear trunk bag. Every bicycle shall be equipped with front (white) and rear (red)reflectors, a front headlight and a siren/horn to satisfy the requirements of Vehicle Code §2800.1(b).

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Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and trunk bag that will allow the officer sufficient storage capacity to carry all of their necessary equipment to handle routine patrol calls.

Each bicycle rear trunk bag should include a first aid kit, tire pump, tire repair tools, inner tube, bicycle lock, equipment information and user manuals (as applicable). These items are to remain with or on the bicycle at all times.

Each bicycle shall be equipped with a steady red and flashing blue warning lights that are visible from the front, sides, or rear of the bicycle (Vehicle Code § 21201.3).

Bicycle officers shall conduct a daily inspection of the bicycle and equipment prior to use and at the end of their patrol shift to insure they are in proper working order. This inspection shall include the standard A-B-C-Quick-Check:

Air - Check the tires for proper inflation. The tires' proper pounds per square inch (PSI) rating can be found on the sidewall of each tire. Normally the tire will include a PSI range (e.g., 40 to 60 PSI). Officers should inflate their tires to the upper PSI range when riding primarily on asphalt, concrete or other similar surfaces. The lower PSI range should be used when riding primarily off-road. Inspect the tires for excessive wear (low tread), damage (cracks and tears) and punctures (nails, tacks, screws, etc.).

Brakes - Apply both brakes while standing on the side of the bike to ensure they are working properly. The brake levers should activate the brakes (V-style brakes) within in few millimeters from their point of rest. The brake levers should not touch the grips when applied. This may indicate the brake pads are excessively worn or the brake cables have stretched beyond their effective use range. Inspect the brake pads to ensure they are not worn down too much to render them ineffective.

Crank arms - With the crank arm and pedal at the 12 O'clock position, grab the crank arm just below the pedal (do not grab the pedal). Gripping the crank arm tightly, push and pull the crank arm away from and then back toward you multiple times. If you feel any "play" (looseness), the bicycle should be immediately taken out of service. A loose crank arm could mean the bottom bracket is defective or the crank arm needs to be tightened. Both issues shall only be repaired by a certified bicycle mechanic.

Quick releases - Ensure all three quick release levers are fully engaged. The front quick release lever should be pushed flush against the left, front form or suspension arm. The rear quick release should be pushed inward toward the rear frame triangle and sit snugly between the two metal frame pieces creating a "W" shape.

Check Ride - The final step of the A-B-C-Quick-Check inspection is the check ride. Once the officer has secured all their safety equipment (helmet, gloves, etc.), the check ride should include:

- (a) **Brakes** - apply the rear brake to see it works properly. Then apply both the front and rear brake levers simultaneously (referred to as Maximum Braking or Threshold Braking). The rider should never apply the front brake only.

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- (b) Gears and shifters - push the right shifter ensuring you are able to shift the bicycle in all its useable gears. Use the left shifter to move the chain to the other front chain rings. Note: All of the gears are not useable. In other words, a 27 speed bicycle does not actually have 27 useable gears. Only 19 of the 27 gears are effective. The remaining eight gears, if used, would place the drive train in a chain-line error or cross-chaining situation. Both of these situations are detrimental to the effective use and long-term maintenance of the patrol bicycle.

Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

401.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

First Amendment Assemblies

402.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

402.2 POLICY

The University of California Irvine Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

402.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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402.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

402.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

402.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

402.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

402.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with University government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

402.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

402.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

402.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

402.8 ARRESTS

The University of California Irvine Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

402.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

402.9.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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402.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

402.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

402.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with University legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

402.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

402.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable

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to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.
 - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

402.13.1 USE SUMMARY

The Operations Lieutenant or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

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402.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

Residence Vacation Checks

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide uniformity of procedures to be followed in accepting and acting upon requests for on-campus residential patrol checks.

403.2 PROCEDURE

- (a) UCI Police Department will not accept a Residence Vacation Check (RVC) if there is to be anyone inside the residence (maid, plant keeper, friend, etc.).
- (b) The RVC form shall be completed online by the resident and submitted to the UCI Police Department via the Smartsheet "Residence Check Request" form.
- (c) Once received, the request will be printed and placed in the Community Safety Ambassador (CSA) Residence Vacation Checks binder that is stored in the CSA binder cabinet.
- (d) Each night the Safety Escort CSA, along with the CSA Shift Lead (OIC) will conduct a full check of the residences requesting checks. As time permits, the Safety Escort CSA will conduct an additional drive-by check of each residence to see that there are no visually suspicious changes at the residence.
- (e) The Safety Escort CSA shall notify the dispatch center of each residence check to be logged into RIMS.
- (f) Upon the return date of the residence, as stated on their 'Residence Check Request' form, the CSA will remove the request from the binder. The electronic request will be maintained for an additional thirty calendar days before it is deleted.

403.3 RESPONSIBILITY

The CSA Program Manager should assign vacation checks at least once per shift and shall ensure that all RVC forms are complete and filed correctly.

Automated License Plate Readers (ALPRs)

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

404.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the University of California Irvine Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Services Division Lieutenant. The Services Lieutenant will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

404.2.1 ALPR ADMINISTRATOR

The Support Services Lieutenant shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

404.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.

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- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

404.4 DATA COLLECTION AND RETENTION

The Support Services Lieutenant is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

404.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The University of California Irvine Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

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For security or data breaches, see the Records Release and Maintenance Policy.

404.6 POLICY

The policy of the University of California Irvine Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

404.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - (a) The name of the agency.
 - (b) The name of the person requesting.
 - (c) The intended purpose of obtaining the information.
- (b) The request is reviewed by the Support Services Lieutenant or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

404.8 TRAINING

The Training Manager should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Portable Audio/Video Recorders

405.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any University of California Irvine Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

405.2 POLICY

The University of California Irvine Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

This policy does not govern Body Worn Cameras or the In-Car Video system. Refer to policy 346 Body Worn Audio/Video system.

405.3 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

405.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

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405.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, UCIPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

405.5.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

405.6 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Communications Center

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- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

405.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

405.6.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

405.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

405.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

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Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

405.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

405.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

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- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

405.10 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving use of force by an officer
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against an officer or the University of California Irvine Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

405.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

Threat Assessment Procedures

406.1 PURPOSE AND SCOPE

When the University of California, Irvine Police Department receives information that a campus Department, faculty member, employee, or student has been threatened, or when an actual threat has not been made, however the person or group perceives that they may be subject to personal danger by the hands of another, when appropriate, the following precautions should be taken.

406.2 THREAT ASSESSMENT REPORT AND FOLLOW UP ACTIONS

The person(s) being threatened should be interviewed and the appropriate report taken (i.e., crime report if a crime has been committed - example: 653(m) P.C., threat over a telephone), or a Threat Assessment report when the information and actions taken are informational only. Officers shall attempt to obtain available information referencing the University of California, Irvine Police Department Threat Assessment Checklist located in RIMS.

All threat assessment incidents shall be brought to the attention of the Operations Lieutenant who will then make appropriate notifications to the core UC Irvine Consultation Team members and other University staff as deemed necessary.

Some of the main concerns and actions that should be taken include, but are not limited to, the following:

- (a) Attempt to determine how serious the threat being made is, and assess the potential that the person(s) making the threat will actually carry it out.
- (b) Identify the person(s) making the threat and assess their potential to carry out the threat (e.g., their current state of mind, prior arrest involving violence, prior contacts with UC Irvine Police and/or other UC Irvine personnel, if they have weapons registered to them on file, etc.).
- (c) Ensure that all persons who may be a target of the threat are informed and are given information concerning counseling services, shelters, restraining orders, stalking laws, and other resources. When the threat involves either a University Department, faculty, or employee, immediately coordinate information flow and an action plan with the UC Irvine Consultation Team and Labor Relations Department.
- (d) When appropriate, interview the person(s) making the threat and consider the feasibility of suggesting counseling and assess the possibility of a 5150 W&I hold or arrest.
- (e) If you feel that extraordinary safety measures should be implemented to protect a person or property, immediately confer with Police Department management. Some examples of measures that could be taken include: Surveillance on the person making threats, relocating person(s) being threatened, escorts by police personnel, etc.

406.3 ASSESSMENT OPTIONS

- (a) Criminal history checks to determine if person(s) making the threat has a past history involving violence.

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- (b) Liaison with Police Department where subject making the threat resides to determine if they have any history with the person making threats.
- (c) Inquire via the CLETS weapon's system to see if the person making the threats has firearms registered to them.
- (d) Weapons purchase notification flag can be initiated by contacting the California Department of Justice, Weapons Division, (916) 739-5091.
- (e) Request a DMV soundex of the person's California driver license photo through Police Dispatch.
- (f) Compile a list of vehicles the suspect has access to.
- (g) Compile a list of the suspect's current and former residences.
- (h) Consider the feasibility of eliciting cooperation from the relatives and friends of the suspect, thus increasing law enforcement's chances of receiving timely information on the suspect's behaviors and plans.
- (i) Contact the UC Irvine Student Conduct Office to determine if the person making the threats has had any prior student conduct issues.
- (j) Contact the Human Resources Office to see if the person is currently and/or has been involved in any job-related disciplinary actions.

406.4 EMPLOYEE TERMINATIONS THAT PRESENT A THREAT TO PERSONS AND/OR PROPERTY

When appropriate, the Police Department will provide a sworn representative to be available at the time a Notice of Intent to Terminate is presented to the employee. In cases where the employee is being terminated for reasons of violence or threats of violence, and/or it can be reasonably articulated the employee may be a threat to the work place, it is strongly recommended that the Department manager/supervisor recommending termination confer jointly with the Consultation Team (including Human Resources Labor Relations), to explore options such as placing the employee on investigatory leave (with/without pay) and the possibility of instituting Penal Code Section 626.4 (i.e., Withdrawal of consent to remain on campus - Interfering with the peaceful activities of the University).

Foot Pursuits

407.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

407.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

407.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.

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- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

407.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

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- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

407.4 RESPONSIBILITIES IN FOOT PURSUITS

407.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel.
- (b) Call sign identifier.
- (c) Reason for the foot pursuit, such as the crime classification.
- (d) Number of suspects and description, to include name if known.
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

407.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

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407.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

407.4.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

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

407.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.

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- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

407.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

Medical Marijuana

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designate primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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408.2 POLICY

It is the policy of the University of California Irvine Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The University of California Irvine Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

408.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.
- (c) Investigations when a medicinal claim is made by a non-cardholder.

408.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

408.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.
- (d) The person possesses marijuana but not for personal medical purposes.

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Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

408.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

408.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 1. The suspect has been identified and can be easily located at a later time.
 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
1. The amount of marijuana recommended by a medical professional to be ingested.
 2. The quality of the marijuana.
 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

408.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
 1. In any place where smoking is prohibited by law.
 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 3. On a school bus.
 4. While in a motor vehicle that is being operated.
 5. While operating a boat.

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- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

408.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

408.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

408.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Bureau supervisor.

Mobile Digital Computer Use

409.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

409.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

409.3 POLICY

University of California Irvine Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

409.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

409.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

409.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

409.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

409.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

409.6 EQUIPMENT CONSIDERATIONS

409.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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409.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Audio Recorders

410.1 PURPOSE AND SCOPE

The University of California Irvine Police Department has provided each of its sworn members with access to audio recorders for use while on duty. These recorders are intended to assist officers in the performance of their duties by providing an unbiased audio record of a contact.

410.2 OFFICER RESPONSIBILITIES

Any officer may carry a department-issued audio recorder at any time the officer believes such a device may be beneficial to the situation.

Each officer shall be responsible for maintaining his/her own audio recordings and placing the recording into evidence or safekeeping.

410.3 ACTIVATION OF THE AUDIO RECORDER

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 § 633 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 § 3303(g).
- (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.
 2. For the purpose of this policy, it shall further be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted audio recorder will have knowledge that such a contact is being recorded.
- (c) Members of the Department are encouraged to activate their recorders at any time that 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 recording media.
 2. Officers are prohibited from utilizing department recorders and recording media for personal use.

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410.4 RETENTION OF RECORDING MEDIA

At any time that an officer records any portion of a contact which the officer reasonably believes constitutes evidence in a criminal case, the officer shall record the related case number and book the recording media into evidence.

- (a) The officer shall further note in any related report that the recording has been placed into evidence.
- (b) Recording media placed into evidence shall be retained through the final disposition of the related criminal case.

410.4.1 NON-CRIMINAL MATTER

At any time that an officer reasonably believes that a recorded contact may be of benefit in a noncriminal matter (e.g., a hostile contact), the officer may book the recording media into safekeeping or download the file and attach the recording to the case in RiMS.

- (a) Under such circumstances, the officer shall notify a supervisor of the existence of the recording as soon as practicable.
- (b) Recording media which have been placed into safekeeping shall be retained for a period of no less than 180 days or until the related matter has been closed (e.g., internal investigation, civil litigation).

410.5 REVIEW OF RECORDED MEDIA FILES

Recorded files may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of officer conduct.
- (b) Upon approval by a supervisor, any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation.
- (c) By the personnel who originally recorded the incident.
- (d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case.
- (e) By media personnel with permission of the Chief of Police or authorized designee.

Homeless Persons

411.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The University of California Irvine Police Department recognizes that members of the homeless community are often in need of special protection and services. The University of California Irvine Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

411.1.1 POLICY

It is the policy of the University of California Irvine Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

411.2 FIELD CONTACTS

Officers are encouraged to contact those experiencing homelessness for the purpose of rendering aid, support and for community-oriented policing practices. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering someone experiencing homelessness person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to those experiencing homelessness, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide those experiencing homelessness with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

411.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

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- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

411.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Watch Commander.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Watch Commander. If such property appears to involve a trespass, blight to the community or is the subject of a complaint, it is the responsibility of the Watch Commander or their designee to work with UCI Facilities Management to address the matter in a timely fashion.

411.4 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some people experiencing homelessness may suffer from a mental illness or a mental impairment. Officers shall not detain someone experiencing homelessness under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the person experiencing homelessness with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

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411.5 ECOLOGICAL ISSUES

Sometimes persons experiencing homelessness and their encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Safety Escorts by Sworn Personnel

412.1 PURPOSE AND SCOPE

This purpose of this policy is to provide guidelines for safety escort services by the UC Irvine Police Department's sworn personnel. This policy is intended to provide students and other affiliated UC Irvine personnel a means by which to receive a safety escort from either a Community Safety Ambassador (CSA) or police officer.

412.2 POLICY

It is the policy of the UCI Police Department to promote safety and provide awareness and outreach programs to the UC Irvine campus community. The Police Department encourages students to take responsibility for their own safety by taking proactive steps to reduce situations or opportunities where they could become the victim of a crime on campus.

412.3 PROCEDURE

Police officers may be asked to provide safety escorts during the evening hours after the CSA safety escort personnel's shifts end at 0100 hours. This safety escort program is a free service to the campus community.

412.4 MODE OF TRANSPORTATION

The primary mode of transportation for safety escorts is walking. Officers are encouraged to walk the student to his/her destination. In the case of long distance escorts, short staffing and pending calls for service, officers shall transport the escort in a police vehicle.

Officers shall not drive their patrol vehicle while the student, staff or faculty member walks (unless the escorted person specifically requests to do so). If an escorted person requests to walk beside/ next to the officer's patrol vehicle, the officer shall advise the Watch Commander about the escorted person's request.

412.5 ESCORT DESTINATION

Escorts are provided to UC Irvine visitors, students, staff, and faculty on the main UC Irvine campus. The UC Irvine Medical Center security officers will handle all escorts at Orange medical facility and other satellite medical facilities they are responsible for providing security services.

Officers will generally escort students to on-campus locations only. However, there will be instances that justify an officer driving an escort to an off-campus location. Such requests will be evaluated by the Watch Commander on a case-by-case basis.

412.6 OFFICER SAFETY CONSIDERATIONS

Before an officer drives an escort to his/her desired destination, they shall take appropriate safety precautions. Officers should place the individual's personal belongings (backpacks, bags, etc.) in the trunk of their police vehicle to provide an extra measure of officer safety. Officers generally should not search an individual's personal property. If the officer has specific and articulable reasons for doing so, they shall ask for the individual's consent prior to searching any property.

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Depending upon the circumstances of a safety escort, the primary officer may request assistance from a back-up officer as staffing permits. An officer who has concerns about an individual or group requesting an escort, they shall contact a supervisor immediately. The supervisor shall respond to the officer's location and evaluate the circumstances to determine whether or not the escort should proceed as requested.

Loud Party and Disturbance Calls

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with a protocol for responding to and dealing with loud party and/or disturbance calls on the UC Irvine campus. Controlling large parties, gatherings or events in the UC Irvine housing communities and properties owned and operated by the UC Irvine is necessary when such activities disturb the peace and/or threaten the health, safety and/or general welfare of the public. The immediate control of large parties, disturbances or events is essential to helping prevent a significant incident on the UC Irvine campus. A police response to loud party type calls on the UC Irvine campus which involve students and/or their guests takes a lot of police personnel who are taken away from their other assigned duties of protecting the UC Irvine campus community. Loud party/noise complaints which require more than one police response will be handled in a manner that is designed to immediately correct the behavior of the person hosting the event by issuing a citation (monetary fine) for police services that are deemed "above and beyond" what is considered a normal or routine police response.

413.2 DEFINITIONS

Large party, gathering or event is defined as a group of persons who have assembled or are assembling for a social occasion or social activity.

Loud and unreasonable noise is defined as any sound(s) or noise including, but not limited to, musical instruments, music, singing, yelling, or any other form of communication where the sound volume is so loud and of such a duration as to disturb the peace, quiet, comfort, enjoyment, health, and/or safety of one or more persons of ordinary sensibilities who is/are not present at the party or similar event which is the source of such sound or noise.

Responsible person is defined as each or any of the following:

1. Any person actually in charge of the premises from which the loud and unreasonable noise originates;
2. The owner, tenant or other person lawfully occupying the premises from which the loud and unreasonable noise originates;
3. If the person in charge of the premises from which the loud and unreasonable noise originates is a minor, then the parent or legal guardian who resides in, owns or controls the premises shall be deemed a responsible person; or
4. Subject(s) who appear to be causing a disturbance at a location other than the identified responsible party hosting the disturbance

Second response means any and all occasions within the academic school year, after the initial response, when one or more police officers are dispatched to the scene to the same address/location of a loud party, disturbance or similar event.

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Enforcement time frame is defined as one calendar school year (September through June). When a second or additional noise/disturbance violation occurs after an initial warning by police officers, the responsible person may be issued an additional citation (see **Second response**).

413.3 GENERAL NOISE RESTRICTIONS

It shall be unlawful to host or allow to be hosted any party or similar event where there is loud and unreasonable noise. Continuation of any activity prohibited by this section, after written notification by a peace officer the activity is disturbing the comfort, health, peace, safety, quiet enjoyment of one or more persons, shall be prima facie evidence of willful intent within the meaning of this policy.

413.4 INITIAL POLICE RESPONSE TO LOUD PARTY/DISTURBANCES/EVENTS

When a police officer(s) responds to any loud party/event, and the officer determines the party/event violates the loud noise restriction, or the party/event disturbs/endangers the public peace, health, safety or general welfare, the officer shall issue a written notice to the responsible person(s) to immediately cease the loud and/or unreasonable noise, or other activity which violates this section.

The officer will also advise the responsible person that a second response to the same location/address or with the same subject(s) who previously received a written notice within the academic school year, will generate another administrative citation and potentially make him/her liable for any monetary fines and/or penalties defined in this section.

If no responsible person is available on the premises when the police are present, or the host refuses to accept a receipt of the notice, a copy of the notice shall be posted in a conspicuous place on the premises on each occasion the police respond to the location.

The responding officer will complete a report documenting the incident.

413.5 SECOND AND SUBSEQUENT POLICE RESPONSE TO PARTY/DISTURBANCE/EVENTS

The responding police officer(s) shall immediately close and disperse any party/event whenever a second response is required, unless the officer-in-charge of the scene determines the immediate closure would create a greater threat or danger to the public peace, health, safety or general welfare. If, after a written notice is issued pursuant to policy, a second response is necessary to the same location/address or with the same subject(s) who previously received a written notice within the academic school year, all responsible persons shall be jointly and severally liable for penalties as defined in this policy. Administrative citations shall be issued to the responsible person(s) on the second and subsequent responses for the following sections:

University Student Conduct Policy

UP102.15 - Participation in a disturbance of the peace or unlawful assembly (**first response**)

UP102.16 - Failure to identify oneself to, or comply with the directions of a University official or other public official acting in the performance of his/her duties while on University property or

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other public officials in the performance of or the attempt to perform their duties (**second and subsequent responses**)

If the responding officer deems it necessary, s/he may issue a criminal citation for the following penal code violation:

California Penal Code 415(2) CPC - Any person who maliciously and willfully disturbs another person by loud and unreasonable noise (**Requires a private person arrest**)

Officers should also be familiar with the University Student Housing Noise and Quiet Hours policies which are as follows:

UNIVERSITY STUDENT HOUSING POLICIES

Undergraduate Housing Policy (Arroyo Vista, Campus Village, Middle Earth and Mesa Court):

Noise and Quiet Hours - Anytime individuals live together in a community, a reasonable level of noise is expected. However, common noise should not impede the ability of others to function effectively. Quiet hours have been established to support the creation of an environment conducive to sleep and study. Regardless of stated quiet hours, the right to quiet supersedes the privilege to make noise. With appropriate approval from the office, and advance notice to the residential community, events may be scheduled that will result in a higher than normal noise level in the community. The staff will give careful consideration to any exception requests and will only grant approval occasionally.

Any resident may request that any other resident or group of residents cease any activity that is interfering with their ability to study, rest, or quietly enjoy the community, unless it is a pre-approved and pre-publicized event. We encourage residents to first address noise issues with each other before requesting staff assistance. Music, musical instruments, television, loud talking, sports equipment, bass, sub woofers, or events that can be heard in another resident's room or apartment can be considered too loud regardless of the time of day. Residents are asked not to direct stereo speakers or other amplification devices facing out of open windows.

Palo Verde and Verano Place Policy:

Noise and Quiet Hours - Consideration for the rights of others is essential in a multi-unit residential complex. Quiet hours are in effect Sunday through Thursday from 10:00 p.m. to 8:00 a.m., and Friday and Saturday from 12:00 midnight to 8:00 a.m. Please note that this does not mean that all noise levels are acceptable before these hours. The rights of other members of the community should always be taken into consideration. An around-the-clock quiet period begins on the Friday prior to mid-term and final exam weeks and extends through the last Friday of mid-term and final exam weeks. If a neighbor requests your cooperation in lowering noise levels so that he/she may study or sleep, please be considerate and keep in mind that their schedule may not be the same as yours.

American Campus Communities Policy:

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Noise and Quiet Hours - Anytime individuals live together in a community, a reasonable level of noise is expected. However, common noise must not impede the ability of others to function effectively. Quiet hours have been established to support the creation of an environment conducive to sleep and study. Regardless of stated quiet hours, the right to quiet supersedes the privilege to make noise.

OTHER PUBLIC OR PRIVATE VENUES

Other public or private venues include, but are not limited to, areas such as common living spaces in dormitories, parking lots/structures, club houses, common pool/spa areas, BBQ patios and/or parks. The responding officer may identify a responsible person for the party or event and/or deem all persons present a responsible person if they are being loud and/or unruly. The responding officer shall follow the same protocol outlined in this policy when responding to a call for service at these public or private venues. The responding officer may issue a single Administrative Citation to the responsible person or to every person at the event who remains present at the party/event/disturbance after the first response to vacate the area has been issued to those individuals.

413.6 FINES AND PENALTIES

The police officer initially responding to a loud party/event who deems the event to be a violation of this section, shall issue a notice of disturbance card (NDC) to the responsible person(s).

The time frame for the enforcement of this ordinance shall be the UC Irvine calendar school year.

The initial response to a loud party/event call is considered a "warning" as outlined on the NDC.

The second response to a loud party/event call shall carry a fine of \$150.00 (U.S.).

The third response to a loud party/event call shall carry a fine of \$300.00 (U.S.).

The fourth response to a loud party/event call shall carry a fine of \$600.00 (U.S.).

413.7 REVIEW AND APPEAL PROCESS

The notice of disturbance review process shall be conducted by Dean of Students Office and will follow the UC Irvine Student Conduct Policy as outlined in section 103.10(G).

Suspicious Activity Reporting

414.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

414.2 POLICY

The University of California Irvine Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

414.3 RESPONSIBILITIES

The Services Lieutenant and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Services Lieutenant include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

414.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

414.5 HANDLING INFORMATION

The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Detective Bureau supervisor
- Crime Analysis Unit
- Other authorized designees

Civil Disputes

415.1 PURPOSE AND SCOPE

This policy provides members of the University of California Irvine Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

415.2 POLICY

The University of California Irvine Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

415.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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Civil Disputes

415.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

415.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

415.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

415.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, and apartments) should generally be handled through a person seeking a court order.

Medical Aid and Response

416.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

416.2 POLICY

It is the policy of the University of California Irvine Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

416.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.
 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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416.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person for weapons who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel when it reasonably appears necessary to provide security when it is necessary for investigative purposes or when so directed by a supervisor.

Members shall not provide transportation to anyone displaying symptoms of or known to be infected with a communicable disease.

Members should not provide emergency escort for medical transport or civilian vehicles.

416.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 WIC commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

416.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

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416.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel are responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

416.7.1 AIR AMBULANCE MEDICAL CENTER

The UCI Health Medical Center has a designated helipad located outside Building 3 at the corner of The City Drive and Chapman Avenue. This helipad is dedicated for emergency patient care use, and is owned and operated by The Regents of the University of California. The Emergency Department will notify the UCI Police Dispatch Center about all inbound medical aircraft and estimated time of arrival so a public safety responder (PSR) can be dispatched. The PSR shall respond and remain on-site for safety anytime an aircraft is arriving, departing, or blades are turning on the helipad.

416.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

416.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles shall check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Administrative Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

416.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

416.8.3 AED TRAINING AND MAINTENANCE

The Administrative Sergeant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Administrative Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

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416.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

416.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES AND USE

Members who are qualified to administer opioid overdose medication, such as Naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Operations Lieutenant.

Officers who have completed the mandated Naloxone training by HCA/EMS are authorized to administer Naloxone when they reasonably believe someone is experiencing an opioid-related overdose. Personnel will treat the incident as a medical emergency and follow these steps when performing this intervention:

- (a) Confirm emergency personnel are responding;
- (b) Maintain universal precautions;
- (c) Perform patient assessment;
- (d) Determine unresponsiveness;
- (e) Update dispatch of potential overdose state;
- (f) Follow Naloxone protocol;
- (g) Immediately notify responding emergency personnel that Naloxone has been administered;
- (h) Notify a patrol Sergeant.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

416.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Upon completion of the incident, Officers will submit an incident report detailing the nature of the incident, the care the patient received and the fact Naloxone was deployed. A copy of the report will be forwarded to the Naloxone Program Coordinator who will track and monitor the use of Naloxone.

The Operations Lieutenant will ensure that the Records Analyst is provided enough information to meet applicable state reporting requirements.

416.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

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416.9.4 MAINTENANCE AND REPLACEMENT

The daily inspection of Naloxone kits will be the responsibility of officers who are assigned the kit for field deployment. Officers should handle, store and administer the medication consistent with their training. Officers should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and reported to the Operations Lieutenant. Replacement kits will be issued by the Operations Lieutenant during normal working hours. Several kits will also be placed in the Watch Commanders office should an officer need a new kit after hours or on weekends.

416.9.5 PROGRAM COORDINATOR

The Operations Division Lieutenant will serve as the department's Program Coordinator and will work in collaboration with the HCA/EMS. The Program Coordinator will be responsible for tracking, storage, maintenance, replacement of Naloxone kits and reviewing Naloxone use reports.

416.9.6 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Operations Lieutenant shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

416.9.7 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

416.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

416.11 FIRST AID TRAINING

The Training Manager should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

Crisis Intervention Incidents

417.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

417.2 POLICY

The University of California Irvine Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

417.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

417.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Lieutenant to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

417.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

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- (k) If circumstances reasonably permit, consider and employ alternatives to force.

417.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

417.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

417.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

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- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Lieutenant.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

417.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings. The Lieutenant will provide a summary of all crisis intervention incidents (i.e. Threat Assessments and/or Mental Health) to the Consultation Team, who will ensure appropriate resources and follow-up are provided.

417.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

417.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

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417.11 EVALUATION

The Lieutenant designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

417.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

647(f) P.C. Booking Procedure at the Newport Beach Police Department Jail

418.1 POLICY

It is the policy of this department to allow officers to book 647 (f) P.C. individuals into the Newport Beach Police Department's jail facility.

418.2 PURPOSE

The purpose of this policy is to provide officers with instructions on the booking process for 647(f) PC ("Safe onto Sober" - S.O.S Program) arrestees at the Newport Beach Police Department's jail facility.

418.3 PROCEDURES PRIOR TO ARRIVING AT THE NEWPORT BEACH PD JAIL

Officers shall request a UC Irvine Police Department DR number. If the detainee is female, the officer shall call the Newport Beach Police Department (NBPD) to determine if they have a female jailer on duty who can process the female detainee. If the detainee is diabetic or has some other significant medical issue, the officer must first ensure the detainee has been medically cleared prior to arriving at NBPD. The officer must complete a 5.8 pre-booking form in the field prior to arriving at the NBPD jail. The officer must ask the on duty UC Irvine Police Dispatcher to place a courtesy call ahead to NBPD. The officer will complete a warrant check of the detainee prior to his/her transport to NBPD.

418.4 PROCEDURES AFTER ARRIVING AT THE NEWPORT BEACH POLICE DEPARTMENT JAIL

The NBPD station is located in the city of Newport Beach on Santa Barbara Drive east of Jamboree. The jail's sally port is located to the left of the public lobby entrance. The officer must follow the below steps to process their 647 (f) detainee:

1. When the officer arrives at NBPD, they should park in front of the sally port roll-up gate. The detention officer will acknowledge the officer on their CCTV camera system and open the security gate.
2. Enter the sally port area and drive the patrol vehicle forward to the furthest point possible in the sally port.
3. Store/secure all duty and backup firearms either inside the patrol vehicle's trunk or use one of the jail facility's gun lockers.
4. Search the subject thoroughly.
5. Wait for the detention officer to open the metal door to the booking area; the door will open automatically.
6. Enter the jail facility's uncuffing area. Advise the subject to undress to only one layer of clothing (no jackets, belts, ball caps or jewelry). Assist the subject as needed.

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- a. Have the subject remove his/her shoes.
- b. Check subject's socks for weapons, drugs or other illegal contraband.
- c. Place the subject's extra clothing, shoes and property into one of the plastic property bins.
- d. The subject must remain in the uncuffing area for questioning and triage by the NBPD jail staff.
7. Take the subject's property behind the counter where the detention officers are located. Use the right side counter area - facing the uncuffing area. The detention officer will inventory the subject's property in your presence or instruct you further on what they would like you to do.
8. Either the jailer will call the Watch Commander or provide you with the Watch Commander's extension so he can be informed of who you are (e.g., "Station 11 Officer Jones") and the type of arrest you are processing.
9. After the subject is transferred to the custody of the NBPD jail staff, the officer may reload his/her weapon(s) and park their patrol vehicle at the back (south side) of the station.

418.5 REPORT COMPLETION AND SUBMISSION REQUIREMENTS

Officers must follow the report completion and submission requirements listed below.

1. Enter the station by using the door code listed in the RiMS premise file for NBPD.
2. Take the elevator to the 2nd floor report writing area. The report writing room connects to the Watch Commander's office.
3. Inform the Watch Commander your subject will be released per 849(b)(2) PC, unless the subject has committed other crimes such as a 148 PC, 594 PC or they committed a crime(s) while in the NBPD jail facility.
4. Obtain the UC Irvine Police Department's supervisor approval to release the subject per 849(b)(2) PC and complete a 849(b)(2) PC form. Document the name of the UCIPD supervisor who approved the 849(b)(2) PC on the completed release form. Provide the release form to the Newport Beach PD Watch Commander.
5. Return to the first floor and exit the station to the back parking lot.
6. Drive around to the east side of the Police Department building and use the automatic exit that leads onto Santa Barbara.
7. Officers shall complete their UCIPD DR report to document the arrest/detention and obtain a supervisor's report approval prior to the end of the shift. The officer shall immediately fax a copy of their approved report to the Newport Police Department's Record's Bureau at (949) 644-3794.

Public Recording of Law Enforcement Activity

419.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

419.2 POLICY

The University of California Irvine Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

419.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

419.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

419.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

419.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Watch Commanders Duties, Responsibilities, and Procedures

420.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions, and objectives. To accomplish this goal, a Sergeant heads each watch.

420.2 DESIGNATION AS ACTING WATCH COMMANDER

It is the policy of the UCI Police Department to have one person established as the Watch Commander on each shift, 24 hours a day. This position will be held by a sworn peace officer.

When a Sergeant is unavailable for duty as Watch Commander, in most instances, the senior qualified corporal shall be designated as acting Watch Commander. This policy does not preclude designating a less senior corporal as an acting Watch Commander when operational needs require or training permits.

420.3 DUTIES, RESPONSIBILITIES, AND PROCEDURES

The Chief of Police, or their designee, will assign a Sergeant or an Acting Sergeant to serve as the Watch Commander, on each patrol shift. (The duties of a Sergeant of Police are described in the Universitywide Police Policies and Procedures Manual, Chapter 3, Section 303.3.)

The Watch Commander has the authority and responsibility to plan, direct, train, correct and schedule all personnel on his/her shift.

1. Watch Commanders may initiate and document counseling sessions, to correct improper behavior and initiate disciplinary action(s) as appropriate to direct and supervise subordinates. This includes Sergeants initiating actions with Police Officers and Professional Staff (non-sworn).
2. Watch Commanders may initiate administrative investigations, also referred to as internal affairs, should a violation of policy or law come to their attention. Watch Commanders, where possible, should contact the division Lieutenant to discuss these investigations beforehand.
3. Watch Commanders and Sergeants assigned to specialized assignments (Detectives, Administrations, Special Events, and Mutual Aid) shall ensure that all transmitted messages received on their watch are promptly read. Messages requiring action shall be acted upon without delay. Messages that should be read by the next watch or for a special detail shall be so marked.
4. Watch Commanders are responsible for making notifications to appropriate Command Staff, as well as to applicable University departments, as necessary, as called for in the Notification and Major Incident Notification policies.
5. Watch Commanders shall review all reports in accordance with the department's Report Preparation policy.

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6. Watch Commanders, whether shift sergeants or police officers are responsible for reviewing all reports to determine if any routing and/or notifications need to be made immediately.
7. Watch Commanders shall respond to incidents which they deem to be of a serious or significant nature and take the appropriate action. Examples of serious incidents include: suicides, major injury accidents, shootings, working fires, any police personnel injuries, situations of a sensitive and/or confidential nature and all cases in which force is used, as described in the "Use of Force" policy.
8. Dayshift Watch Commanders are responsible for the management of the patrol fleet and ensuring any vehicles that require repair are taken to the appropriate repair location and coordinating repairs with the Director of Administration.
9. Watch Commanders are responsible for conducting briefings at the start of their assigned shifts. Briefings shall include a review of significant activities in chronological order over the last 24-48 hours, significant events that occurred on the shift's days off, significant or unusual events planned on the campus during the shift, crime patterns/trends, planning special or directed enforcement operations, training, uniform and equipment inspections, vehicle inspections, policy updates, special projects – including community engagement events and anticipated events or VIPS on campus.

Contacts and Temporary Detentions

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

421.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - 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 purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary 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, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous 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 - 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.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

421.2 POLICY

The University of California Irvine Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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421.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the University of California Irvine Police Department to strengthen community involvement, community awareness, and problem identification.

421.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the officer

421.3.2 INTERVIEW & INTERROGATION PROCEDURES

- (a) Interviews and interrogations are useful tools in guiding officers in establishing the truth, identifying victims, witnesses and suspects as well as evidence during investigations.
 - 1. Interviews are conducted to gather facts and information from subjects who may have knowledge of the incident, whether those persons are victims, witnesses, suspects or anyone who may possess relevant information.
 - 2. Since the information must be voluntarily given, time of day, length, focus, and the number of officers involved in the interview should be considered when planning the interview.
- (b) Interrogations are for subjects directly involved in a criminal investigation.
 - 1. Prior to the interrogation and if the subject is in custody, the subject should be advised of their Miranda Rights.
 - 2. The following conduct is prohibited:

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- i. Obtaining confessions or admissions by coercion;
- ii. Intentional delays in the criminal justice process;
- iii. Failure to inform suspects of their Constitutional rights;
- iv. Deprivation of counsel if requested;
- v. Continued questioning a suspect after they have invoked their Miranda rights, unless they have re-initiated the interview.

421.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

421.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

421.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

421.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. 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

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conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

421.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Bureau.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

421.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

421.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.

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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 University of California Irvine Police Department members.
1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Active Shooter Incidents

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Hostage and Barricade Incidents

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Response to Bomb Calls

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Crime and Disaster Scene Integrity

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

425.2 POLICY

It is the policy of the University of California Irvine Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

425.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

425.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

425.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

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Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

425.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

425.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

Ride-Along Policy

426.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

426.1.1 ELIGIBILITY

The University of California Irvine Police Department Ride-Along Program is offered to residents, students and those employed within the University. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age;
- Prior criminal history;
- Pending criminal action;
- Pending lawsuit against the Department;
- Denial by any supervisor.

426.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Lieutenant, or Watch Commander.

426.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

426.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: CSA's, police applicants, and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

426.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

426.2.3 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.

426.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the University of California Irvine Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

426.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the officer.

426.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer;
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment;

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- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties;
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety;
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen;
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

Hazardous Material Response

427.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this department.

427.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

427.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
- (b) Notify the Fire Department and EH&S. EH&S will be responsible for notifying the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

427.3 REPORTING EXPOSURE

Department members 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 member in an employee memorandum that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the

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exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

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 as applicable.

427.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

Bias-Based Policing

428.1 PURPOSE AND SCOPE

This policy provides guidance to University of California Irvine Police Department members that affirms the University of California Irvine Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the University of California Irvine Police Department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

428.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases.

428.2 POLICY

The University of California Irvine Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

428.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

428.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

428.4 MEMBER RESPONSIBILITIES

Every member of the University of California Irvine Police Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

428.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

428.4.2 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

428.5 REPORTING OF STOPS (RACIAL AND IDENTITY PROFILING ACT OF 2015)

The Racial and Identity Profiling Act of 2015 (AB 953) took effect on January 1, 2016, and requires:

- Collection of Data Regarding Citizen Complaints Alleging Racial and Identity Profiling;
- Collection of Data Regarding Law Enforcement Stops;
- Creation of the Racial and Identity Profiling Advisory (RIPA) Board.

AB 953 requires California city and county law enforcement agencies, the California Highway Patrol, and peace officers of California state and university educational institutions to collect and report to the California Attorney General detailed data regarding all stops, which AB 953 defines as a detention or search, and includes a consensual search. The data to be collected on each stop by law enforcement includes, among other things:

- Time, date, location, reason for and the result of the stop;
- Perceived race or ethnicity, gender and approximate age of the person stopped;

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- Actions taken by the officer during the stop, including whether the officer asked for consent to search; whether a search was conducted; and whether any evidence or contraband was discovered or seized.

The reporting requirements under this section will take effect on November 1, 2020.

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the UC Irvine Police Department is the primary agency, the UC Irvine Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report shall be completed at the completion of the stop unless circumstances prevent the officer from doing so, but no longer than by the end of the officer's shift (11 CCR 999.227).

The on duty supervisor shall review all stop data to ensure it has been completed by every member of the shift prior to end of watch. If a supervisor cannot check RIPA data inputs for the officers on their shift in the last hour of the shift, without incurring over-time, they should request the on-coming supervisor to complete those checks.

The primary supervisor remains responsible for ensuring the RIPA data is completed, and each officer submits accurate data on their shift.

428.5.1 REASON FOR STOP

Officers making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, shall state the reason for the stop, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat.

Officers shall also document the reason for the stop on any citation or police report resulting from the stop.

428.6 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.

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1. Supervisors should document these periodic reviews.
 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

428.7 ADMINISTRATION

Each year, the Operations Lieutenant shall review the efforts of the University of California Irvine Police Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed and acknowledged by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

428.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Section.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course annually in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

428.9 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Support Service Division Lieutenant shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Analyst for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Bureau Policy.

Supervisors should ensure that data stop reports are provided to the Records Analyst for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

Briefing Training

429.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations;
- (b) Notifying officers of changes in schedules and assignments;
- (c) Notifying officers of new General Orders or changes in General Orders;
- (d) Reviewing recent incidents for training purposes;
- (e) Providing training on a variety of subjects.

429.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

429.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

Mental Illness Commitments

430.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

430.2 POLICY

It is the policy of the University of California Irvine Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

430.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person.
- (b) A family member.
- (c) The person subject to the determination or anyone designated by the person.

430.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

430.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

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- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

430.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

430.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

430.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

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430.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

430.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

430.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

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Mental Illness Commitments

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

430.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

430.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Detective Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

430.10 TRAINING

This University of California Irvine Police Department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

Cite and Release Policy

431.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

431.2 POLICY

It is the policy of the University of California Irvine Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

431.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

431.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

431.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

431.4 NON-RELEASE

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431.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

431.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau.

431.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.

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- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

431.6 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

431.7 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 and good judgment in the enforcement of the law. Included within this discretion, officers are authorized to use verbal or written warnings to resolve minor traffic offenses.

Officers are also provided with the discretion, when dealing with students, staff or faculty for minor offenses or policy violations, to make referrals to campus resources in addition to the district attorney, or in place of.

Students

Based on the violation, student referrals would be made to the Office of Equal Opportunity and Diversity (OEOD) or the Office of Academic Integrity & Student Conduct, or both. Referrals to OEOD are made for discrimination, sexual harassment or sexual violence. All other violations are referred to the Office of Academic Integrity & Student Conduct.

Staff

Based on the violation, staff referrals would be made to the Office of Equal Opportunity and Diversity (OEOD) or the Division of Finance & Administration Human Resources Office (for DF&A staff members) or UCI Central Human Resources. Referrals to OEOD are made for discrimination, sexual harassment or sexual violence. All other violations are referred to the Division of Finance & Administration Human Resources Office (for DF&A staff members) or UCI Central Human Resources.

Faculty

Based on the violation, faculty referrals would be made to the Office of Equal Opportunity and Diversity (OEOD) or the Office of Academic Personnel. Referrals to OEOD are made for discrimination, sexual harassment or sexual violence. All other violations are referred to the Office of Academic Personnel.

431.7.1 REFERRAL TO CAMPUS RESOURCES

When an officer determines that a referral to the campus disciplinary or alternative campus resources is appropriate, the officer must document the circumstances in a police report and

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include the recommendation that the matter be referred to the District Attorney and the campus resource or just the campus resource.

The Investigations Unit supervisor will review the case in a timely manner and provide the required information to the recommended campus resource for their investigation and adjudication. Simultaneously, the Investigation's Unit supervisor shall ensure there are no issues with any criminal proceedings.

Foreign Diplomatic and Consular Representatives

432.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the University of California Irvine Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

432.2 POLICY

The University of California Irvine Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

432.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

432.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers
 - 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

432.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

432.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Aircraft Accidents

433.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

433.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

433.2 POLICY

It is the policy of the University of California Irvine Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

433.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

433.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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433.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

433.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

433.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

433.8 DOCUMENTATION

All aircraft accidents occurring within the University of California, Irvine shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of UCIPD members deployed to assist; other University resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

433.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

433.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

433.9 MEDIA RELATIONS

The Public Information Officer (Chancellor's Office - Office of Strategic Communications and Public Affairs) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The Chancellor's Office - Office of Strategic Communications and Public Affairs should coordinate with other involved entities before the release of information.

Obtaining Air Support

434.1 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.

434.2 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.

434.2.1 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.

434.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

Field Training Officer Program

435.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the University of California Irvine Police Department.

It is the policy of this department to assign all new police officers to a structured, POST approved, Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

435.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

435.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO;
- (b) Demonstrated ability as a positive role model;
- (c) Participate and pass an internal oral interview selection process that includes supervisor(s) and current FTO(s);
- (d) Review and approval by Chief's Executive Team;
- (e) Possess a POST Basic certificate.

435.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

435.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Lieutenant or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Scheduling of trainees to FTOs.

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- (b) Schedule and conduct FTO meetings as needed.
- (c) Maintain and ensure FTO/trainee daily observation reports (DOR) are completed on a daily basis.
- (d) Ensure the DOR's are reviewed each day by the FTO/Trainee and signed off.
- (e) Review all DOR's and End of Phase evaluations to ensure they are accurately documenting trainee progress, performance, and training.
- (f) Maintain, update, and issue the Field Training Manual to each trainee.
- (g) Monitor individual FTO performance.
- (h) Monitor overall FTO Program.
- (i) Maintain liaison with FTO coordinators of other agencies.
- (j) Maintain liaison with academy staff on recruit performance during the academy.
- (k) Develop ongoing training for FTOs.
- (l) Bring to the attention of the Operations Lieutenant trainees who have to be re-phased or who are not meeting the expectations of the program.

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

435.4 TRAINEE DEFINED

- (a) Any pre-service police recruit who is attending a POST approved Basic Academy;
- (b) Any entry-level or lateral police officer newly appointed to the University of California Irvine Police Department who has successfully completed a POST approved Basic Academy.

435.5 REQUIRED TRAINING

Entry-level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience.

To the extent practicable, entry-level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

435.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the University of California Irvine Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

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The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the University of California Irvine Police Department.

435.6 EVALUATIONS

Evaluations are an essential component of the training process and shall be completed as outlined below.

435.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Utilizing the department's Agency360 field training software, complete and submit a Daily Observation Report (DOR) on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Observation Report with the trainee each day before the end of the shift.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training. The end of phase shall be completed on the trainee's last scheduled day of each phase. The trainee will be assigned to another officer as an observer only while the FTO completes the end of phase evaluation.
- (d) Each phase contains areas of performance and knowledge that are demonstrated or reviewed by the FTO with the trainee. The trainee is then expected to demonstrate the task or knowledge. The FTO shall ensure that each of these areas within the phase they have a trainee are signed off before the end of the phase and the trainee moving on to the next phase.

435.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator. Supervisors shall communicate performance issues and concerns with the FTO Coordinator, not directly with the FTO or the trainee.

435.6.3 FIELD TRAINING PROGRAM MANAGER

The Field Training Manager (FTM) will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor to the FTO Program supervisor..

The FTM, working with the FTO Supervisor, is responsible for maintaining the field training guide to meet the California Commission on Peace Officer Training and Standards (POST) requirements and ensuring the program is kept up to date and all modifications and legislative changes made are approved prior to implementation.

435.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program. The intent is to provide input to the FTO program, from a trainee's perspective on what areas of the program can be improved upon.

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Field Training Officer Program

435.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Observation Reports.
- (b) End-of-phase evaluations.
- (c) A Certificate of Completion certifying that the trainee has successfully completed the field training program.
- (d) If unsuccessful in the field training program, a memo stating that the trainee failed to meet the performance requirements of the field training program and either resigned or was terminated and the effective date.

Emergency Utility Service

436.1 PURPOSE AND SCOPE

The University of California Facilities Maintenance 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.

436.1.1 BROKEN WATER LINES

The University of California, Irvine'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. Facilities Maintenance can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the University of California, Irvine side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

436.1.2 ELECTRICAL LINES

Facilities Maintenance 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 Facilities Maintenance should be promptly notified, as appropriate.

436.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Facilities Maintenance 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.

436.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

436.2 TRAFFIC SIGNAL MAINTENANCE

The University of California, Irvine contracts with a private maintenance company to furnish maintenance for all traffic signals within the University of California, Irvine, other than those maintained by the State of California.

436.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Rapid Response and Deployment

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Rapid Response and Deployment

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Rapid Response and Deployment

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Immigration Violations

438.1 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.

438.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

438.2 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. UCPD, on the other hand, has primary responsibility for preserving and protecting public safety for the University community. Community trust and cooperation is essential to effective law enforcement on campus and other University property. The limited resources of UCPD should not be diverted from this mission to the enforcement of federal immigration laws; UCPD shall not enforce federal immigration law. Campus police should avoid actions that create a disincentive to report crime, or to offer testimony as a witness to a crime, such as requesting information about immigration status from crime victims and witnesses.

438.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

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Immigration Violations

438.4 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

438.5 NO SWEEPS

The U.C. Irvine Police Department does not conduct sweeps or other concentrated efforts to detain suspected undocumented persons.

When the law 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,

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.

438.5.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

438.5.2 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

438.6 IDENTIFICATION

Whenever an individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identify 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 given reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identify is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

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438.7 ARREST AND BOOKING

Whenever an individual is arrested for a misdemeanor violation, the arresting officer shall process that individual pursuant to California Penal Code 853.6 and the department's Cite and Release Policy. County jail bookings for misdemeanors should be approved by the watch commander. Individuals arrested for felony violations should be booked in the County jail according to local policy. Upon booking, County jail authorities have the responsibility for any actions required by the California Truth Act and the California Trust Act.

438.8 INFORMATION SHARING

The University of California, Irvine Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws.

Nothing in this policy on Immigration Violations is intended to restrict officers from exchanging with ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual, to the extent such restriction is inconsistent with the requirements of 8 USC 1373 and 8 USC 1644.

438.9 U-VISA / T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC 1101(a)(15)(U); 8 USC 1101(a)(15)(T)). Where UCPD receives a request for assistance with a petition for U-Visa/T-Visa Nonimmigrant Status, if appropriate, the Chief of Police or his or her designee (the department) shall ensure the required declaration /certification documentation is completed in accordance with state law (Penal Code 679.10; Penal code 679.11) and the procedure set forth below.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded within 24 hours to the Chief of Police or his or her designee assigned to supervisor the handing of any related case. The department should ensure the following occurs:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.

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(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.

(d) Address the request and complete the declaration/certification, if appropriate, within the timeframes set forth in state law (Penal Code 679.10; Penal code 679.11).

(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.

438.10 TIME FRAMES FOR COMPLETION

The department, in cases of human trafficking as defined by Penal Code 236.1, shall ensure the above process is followed and the documents needed for a T visa application are completed within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code 236.5). In accordance with Penal Code Section 236.5, where the department finds that certification is inappropriate for a victim of trafficking in persons, the department shall within 15 days provide the victim with a letter explaining the grounds of the denial. If the victim submits additional evidence, the department must reconsider the denial of the certification within one week of the receipt of additional evidence.

The department shall ensure the above process is followed and the documents needed for a U visa or T visa application pursuant to Penal Code 679.10 and Penal Code 679.11 are processed within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

Response to UCI Health Clinics

439.1 PURPOSE AND SCOPE

This policy provides guidelines for the role and appropriate response of UCI Police Department personnel during emergency and non-emergency situations, which may occur at UCI Health offices/clinics located off-site of the primary Medical Center grounds.

The UCI Police Department may provide general public safety/security support to off-site UCI Health clinics; however local law enforcement agencies have primary responsibility for 9-1-1 emergency responses, in progress crimes, and crime reports for clinics located within their jurisdiction.

UCIPD maintains compliance with Centers for Medicare & Medicaid Services (CMS), California Department of Public Health (CDPH), and The Joint Commission (TJC) requirements for safety and security of patients, staff, and visitors. UCIPD reports these metrics to the Environment of Care (EC) committee.

439.2 RESPONSE TO CALLS

Local Police Departments have jurisdictional authority and responsibility for the clinics located within their city boundaries.

UCI Police Department personnel (sworn and public safety) who are not regularly assigned to clinic locations outside the UCI Health Medical Center grounds shall not respond to emergency calls, in progress crimes, or non-emergency incidents at those locations without being requested by the agency of jurisdiction and being directed to do so by the on-duty Watch Commander (Sergeant) or a Lieutenant.

It is the responsibility of the local police department having jurisdiction over the specific clinic to respond and complete any associated investigation and/or police reports. For clinics which have a Public Safety Responder assigned, the PSR may take a courtesy report with the approval from the Watch Commander for non-violent and cold (not in progress) incidents when the local police department is unable to respond.

- (a) 200 Manchester Building: The Manchester Building is considered a part of the UCI Health Medical Center due to its proximity. A Public Safety Ambassador is assigned to the location during business hours. Public Safety patrol checks and video observation through the Public Safety Operations Center are conducted after business hours. UCI police officers shall respond during emergencies, crimes in progress, and non-emergency situations when dispatched to this location.
- (b) Santa Ana Family Health Clinic: A Public Safety Responder is assigned to this location from open to close, Monday – Saturday. The Public Safety team may respond to support the assigned PSR when directed by the on-duty Watch Commander (Sergeant). The clinic is located within the jurisdiction of the Santa Ana Police Department, which will provide sworn response to law enforcement related calls-for-service.

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Response to UCI Health Clinics

- (c) Anaheim Family Health Clinic: A Public Safety Responder is assigned to the location from Monday – Friday. The Public Safety team may respond to support the assigned PSR when directed by the on-duty Watch Commander (Sergeant). The clinic is located within the jurisdiction of the Anaheim Police Department, which will provide sworn response to police calls-for-service.
- (d) All Other Clinic Locations: No public safety personnel are assigned full-time to the other UCI Health Clinics. The Public Safety Supervisor, with the approval of the Watch Commander, may assign a Public Safety team member to respond to a clinic location, located within Orange County to support the clinic with a security related matter.

439.3 COMMUNICATIONS RESPONSIBILITIES

The on-duty dispatcher(s) shall notify the Watch Commander of any emergency calls for service received from a clinic after initiating the appropriate emergency response from the local police agency for the clinic's jurisdiction and log such call as a RIMs incident.

439.4 SUPERVISORY RESPONSIBILITIES

Upon being notified of an emergency or non-emergency public safety related matter at a clinic located off the medical center grounds, the Watch Commander shall verify the following:

- (a) The local police agency within the clinic's jurisdiction was notified and responding.
- (b) Confirm the nature of the call/crime and associated local police agency report number.
- (c) Prior to approving a police response to an off-site clinic, the watch commander shall ensure UCI Police Officers are being requested by the agency with jurisdiction and that a minimum of one sworn officer will be maintained on the Medical Center grounds.
- (d) Shall maintain minimum staffing of UCI public safety personnel at the UCI Health Medical Center.
- (e) Under no circumstances will UCI Police Officers or public safety personnel respond to a clinic outside of Orange County.
- (f) Make appropriate notifications to the Lieutenant.

Long Range Acoustic Device (LRAD)

441.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures for properly deploying the Long-Range Acoustic Device (LRAD).

441.2 POLICY

It is the policy of the University of California Irvine Police Department that a Long Range Acoustic Device (LRAD) be used with live or recorded voice messages to communicate with the community during natural disasters, crowd management and control situations, or when other forms of communication are ineffective in communicating messages from Police, Fire or other University Departments to resolve situations where communicating with the public safely is paramount.

LRAD-100X is not designed or designated to be used as a weapon. Members of the University of California Irvine Police Department shall not use any LRAD system as a weapon.

441.3 DEFINITIONS

Long Range Acoustic Device (LRAD) - A high-intensity directional acoustical array for long range, clear hailing, and notification. The LRAD is primarily used as a communication device that can transmit live or prerecorded messages.

LRAD-100X - The Department utilizes the LRAD-100X system, a self-contained, lightweight, and compact battery-powered hailer, to communicate with great intelligibility up to six hundred meters. Unlike handheld bullhorn devices, the LRAD-100X emits acoustic sound pressure levels up to 140 dB, resulting in clear, intelligible communications.

Decibels (dB) - a unit for expressing the relative intensity of sounds on a scale. The decibel scale ranges from 0 to 194 decibels. The threshold of audibility is zero decibel, and the threshold of physical pain for the human ear is around 130 decibels. These sound ratings (dB) are measured one meter from the device. To understand the producible volume level of the LRAD in relation to normal sounds, see the table below:

20 dB – leaves rustling	60 dB – normal conversation
70 dB – busy street traffic	80 dB – vacuum cleaner
85 dB – OSHA requires hearing protection	100 dB – large orchestra
105 dB – lawn mower	110 dB – front row of a rock concert
115 dB – limit of sound permitted in industry	130 dB– threshold of pain; deafening
135 dB – LRAD-100X at max volume	140 dB – military jet takeoff (50 meters)
146 dB – LRAD 500 at max volume	160 dB – Permanent hearing damage

Alert Tone – a high-pitched, pulsating sound generated by the device, similar to a car alarm.

ACGIH (American Conference of Governmental Industrial Hygienists)

NIOSH (National Institute for Occupational Safety and Health)

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Long Range Acoustic Device (LRAD)

OSHA (Occupational Safety and Health Administration)

441.4 USE OF THE LRAD

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance free speech and expression with practical public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

The LRAD shall not be used as a "sonic weapon" or a method of pain compliance. The LRAD shall only be used as a public announcement system to broadcast audible notifications and warnings over distance. The LRAD should only be used at decibel levels and frequencies that are safe for the intended purpose and not reasonably likely or intended to cause injury.

Department members may utilize the LRAD in the following situations:

- Communicating lifesaving information to residents during disasters.
- Communicating to large crowds during events, parades, festivals, concerts, and sporting events.
- Traffic control management.
- Conducting Systemwide Response Team (SRT) operations.
- Communicating to protestors and the dispersal of crowds.
- Communication during hostage and barricaded subject situations.
- During the service of high-risk search or arrest warrants.
- Communicate to suicidal persons where other methods of communication are ineffective or not practical.
- Conducting search and rescue operations.

441.5 PROCEDURES

A. LRAD Operation

1. The LRAD can play prerecorded messages, work as a Public Address system, or emit a high-intensity tone. Personnel operating the LRAD should wear appropriate hearing protection, whether standing in front of or behind the unit.
2. Authority to use the LRAD must be approved by the Watch Commander, Incident Commander, Supervisor, or designee. Only trained personnel are authorized to operate the LRAD.
3. Never operate the LRAD-100X at maximum volume when personnel are within ten meters of the front of the device or when reflected distance between personnel and an acoustically reflective object (i.e., a building, a wall, etc.).
4. Never point the LRAD-100X directly at personnel in the immediate vicinity of its operating position.

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Long Range Acoustic Device (LRAD)

5. Note the output power of the warning tone is slightly higher than the output power of live broadcasts or other audio files.
6. The LRAD-100X can produce acoustic sound pressure levels that OSHA considers hazardous. Users should avoid prolonged exposure.
7. As with any high-energy acoustic device, proper usage of earplugs will minimize the risk of hearing loss to the operator and personnel in the immediate vicinity. Hearing protection is required when operating the device at maximum volume from less than a meter away.
8. Operators must ensure that the device is positioned, aimed, and operated in a manner that avoids exposing nearby personnel and bystanders to excessive sound pressure levels.
9. Operators standing behind the unit hear only a small fraction of the sound energy being transmitted. This can lead the operator to falsely think that the LRAD-100X is not producing the required output.
10. The LRAD 100X has a volume control with a graph that indicates intensity by color. Green is the lowest level of sound output. Yellow is intermediate, and red is the most intense volume. The LRAD should not be operated in the Red Zone if subjects are closer than 10 meters.

B. LRAD Use Instructions

1. Point the LRAD in the direction of the subject(s) and turn the unit on. Increase the volume within the restrictions of this procedure until the message is clearly audible. It is recommended that an officer be placed behind any subject(s)/crowd to determine whether the message is intelligible and safely audible. Consider using a general-purpose sound meter to measure the sound levels for usage exceeding 15 minutes.
2. The LRAD shall not be operated in the red zone if subjects are closer than 10 meters from the LRAD 100X.
3. Use the alert tone in a "short burst" (2-5 seconds) to gain attention; transmit a prerecorded message on the MP3 player (like an order to disperse or an evacuation order); or use the microphone for live, PA-type messaging.
4. "Voice boost" should be off when using the microphone.
5. The chart below shows the permissible sound levels for a given period of time

Duration of Exposure (hrs./ day)	Sound Level - dB(A)		
	ACGIH	NIOSH	OSHA
16	82	82	85
8	85	85	90
4	88	88	95
2	91	91	100

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1	94	94	105
30 minutes	97	97	110
15 minutes	100	100	115*

***NOTE: Subjects should not be exposed to continuous or intermittent noise in excess of 115 dB or to impulsive or impact noise (alert tone) in excess of 140 dB peak sound pressure level.**

441.6 REPORTS

- A. The use of an LRAD device shall be included in incident or after-action reports. The report will include the following:
1. User(s) and the supervisor providing authorization.
 2. Circumstances surrounding the use of the LRAD.
 3. Approximate distance(s) between the LRAD and persons to the front of the device when in use.
 4. Dial settings used on the LRAD at the time of its use(s).
 5. Time, duration of use, and number of uses.

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 traffic collision 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 traffic collision 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 University of California Irvine Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 TRAFFIC/ENFORCEMENT STOPS

When making a traffic or enforcement stop, officers shall provide to the dispatcher, over the radio, the location of the stop and the license plate number (or description of the vehicle including make/

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model/color, if no license plate is attached). This information should be provided prior to the actual stop being made except for extenuating circumstances.

- (a) Officers should attempt to select the safest possible location for a stop, with particular concern for vehicle traffic and nearby pedestrians.
- (b) Officers operating a vehicle may use emergency lights as needed to stop the motorist.
- (c) Officers should position the police vehicle about 10 to 20 feet behind the violator's vehicle, offset approximately one to three feet on the side exposed to passing vehicle traffic to create a safety zone.
- (d) Officers should keep emergency lights activated during the duration of the stop, and may use spotlights or other lights to illuminate the vehicle during hours of darkness or when otherwise appropriate.
- (e) Officers may approach either side of the stopped vehicle on foot, remaining alert to potential safety concerns whether from within the vehicle or the surrounding area for the duration of the stop.
- (f) When contacting the driver, before engaging in questioning related to a criminal investigation or traffic violation, the officer must state the reason for the stop. These requirements do not apply where the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, such as a case of terrorism or kidnapping (AB 2773, effective 1/1/2024).
- (g) The officer, at their discretion, may direct a driver or passenger to stay in the vehicle or exit the vehicle during the stop. When directing a driver and/or passengers, the contact officer should take into account officer safety and having to deal with persons outside of the vehicle if a cover officer is not present.
- (h) Upon completion of the stop, the officer should allow the stopped motorist to safely leave the location before the officer departs, unless there are extenuating circumstances.
- (i) If the stop involves only a person(s), the officer shall provide the dispatcher with the location and type of stop over the radio (i.e., ped stop or bike enforcement stop and the number of persons being stopped, if it is more than one) prior to the stop being made, unless there are extenuating circumstances that prevent this from occurring.
- (j) Until a follow-up officer(s) arrives to provide cover, officers shall not use the MDC or cellular devices to make a records check or any other inquiry while operating as a solo officer.

500.3.2 INTERACTION WITH STOPPED MOTORISTS

- (a) During the stop of a motorist, officers are expected to maintain a professional and courteous demeanor.
- (b) Officers making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, shall state the reason for the stop, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat.

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- (c) After contacting the motorist and collecting any needed documents, the officer shall move to a position of cover and safety. This would normally be behind the patrol car's opened passenger door or other position of cover before making any records checks and completing a citation or other necessary paperwork.
- (d) Upon determining the appropriate course of action (e.g. citation, warning) the officer should complete any necessary paperwork and then re-contact the motorist.
- (e) If the officer is going to remove the driver for field sobriety tests or to make an arrest, the contact officer shall wait until a cover officer arrives on scene.
- (f) The officer may require a driver to exit the vehicle. Officers do not need a particular reason, such as danger or suspicion of a crime.
- (g) The same applies to passengers of a vehicle. An officer may order passengers out of the vehicle, to stay inside a vehicle, or to get back into a vehicle pending the completion of the traffic stop.
- (h) If the driver is to be released at the scene, the officer should clearly communicate to the driver when they are free to leave and politely close the conversation.
- (i) Officers shall also document the reason for the stop on any citation, police report, or RIPA submission.

500.3.3 HIGH RISK STOPS

All vehicle stops present potential unknown safety risks to officers, but in certain circumstances there may be specific reasons to believe they present a high risk, such as a stolen vehicle, a violent crime, or reported armed subject(s).

High-risk stops require additional caution and tactics intended to mitigate those risks. Officers should evaluate and conduct high-risk stops in a manner consistent with the following guidelines:

- (a) Officers should immediately notify dispatch when they anticipate the need for a high-risk stop and provide the current location, direction of travel, and a thorough description of the vehicle and all occupants.
- (b) If possible, officers should avoid initiating the stop until additional officers are in a position to assist immediately. Outside agency assistance may be requested if insufficient officers from this department are available and/or nearby. If the stop has already been made or must be made, the primary officer should maintain a position of cover and wait for additional officers to arrive before proceeding.
- (c) High-risk stops should only be initiated by a marked police car, using emergency lights and siren as necessary.
- (d) Officers should attempt to select the safest possible location for a high-risk stop, with particular concern for minimizing danger to the public and involved officers.
- (e) The primary unit should place their police car about two or three car lengths behind the stopped vehicle, offset approximately three to five feet on the driver's side of the stopped car to create a safety zone.
- (f) As circumstances allow, the second and third police cars at the scene should be positioned to the left and right of the primary unit, canted towards the motorist's vehicle.

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and spaced with sufficient room for all police cars to open their front doors. Any additional police cars should be positioned further to the rear and parked, or used to divert traffic / pedestrians from the scene, or staged to pursue as necessary.

- (g) Officers should keep emergency lights activated during the duration of the stop, and may use spotlights or other lights to illuminate the stopped vehicle during hours of darkness or when otherwise appropriate. Officers should take care not to backlight other officers or vehicles which they may be parked behind. Lead vehicles should maintain their emergency lights and additional units should only have their rear emergency lights on during the stop to prevent backlighting the officers forward of their location while still providing approaching motorists with warning.
- (h) Only one officer at a time (usually the primary officer) should issue commands to the occupant(s) of the stopped vehicle, using an available public address speaker system (unless there is a specific reason not to do so).
 1. The occupants of the stopped vehicle should be instructed to keep their hands in sight at all times and to make no sudden movements.
 2. The driver of the stopped vehicle should be instructed to shut off the ignition, remove the keys and place them in a designated location (often the vehicle hood or roof).
 3. One at a time, each occupant should be instructed to exit the vehicle, and directed to move to a safe location and assume a position of disadvantage (e.g. kneeling, prone).
- (i) As coordinated by the primary officer, cover officers should approach, handcuff, search and secure each occupant one at a time.
- (j) After removing all of the known occupants of the vehicle and before approaching the stopped vehicle, the primary officer should attempt to call out any occupant who may yet remain inside. The primary officer will then coordinate an approach to the vehicle with cover officers to perform a safety sweep of the vehicle's interior and trunk for any outstanding occupants or any threats that may be present.
- (k) Once all occupants have been secured and the vehicle safety sweep has been completed, and prior to allowing any occupant or other person to return to the vehicle, an additional lawful search should be conducted.

Officers involved in a high-risk stop must be flexible and make adjustments in accordance with the conditions at the scene.

500.4 ENFORCEMENT ACTIONS

The department does not establish ticket or arrest quotas. The number of citations or arrests issued/made by any officer shall not be used as the sole criterion for evaluating an officer's overall performance (Vehicle Code § 41603).

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500.4.1 WARNINGS

Warnings or other non-punitive enforcement actions are discretionary in nature and should be considered in each situation and substituted for enforcement actions when an officer believes such actions will have an impact or change in the violator's behavior.

When issuing a warning, the officer should advise the violator of the nature of the violation and what should be done to avoid repeating it. When the outcome of a traffic stop is a warning, the officer shall advise the Communications Center of this disposition.

500.4.2 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 date, time, location, and 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

When the outcome of a traffic stop is a citation, the officer shall advise the Communications Center of this disposition.

500.4.3 CITATIONS FOR MULTIPLE VIOLATIONS

Multiple violations may be listed on the same citation. A Continuation of Notice to Appear form should be issued if all violations cannot be listed in the space available on a single citation. When listing multiple violations, they should be ordered from most serious to least serious offense.

500.4.4 REFUSAL TO SIGN CITATION

When a violator refuses to sign a traffic citation, the officer will first:

- Refer the violator to the signature box;
- Inform the violator that signing the citation does not constitute an admission of guilt;
- Inform the violator that the signature is only a promise to appear in answer to the charge.

If the violator persists and still refuses to sign the citation, the officer shall call the Watch Commander to respond and direct further action.

After a reasonable effort has been made to obtain the violator's signature on a citation, and the violator still refuses to sign, the violator will be arrested per § 40302(b) VC and taken forthwith before a magistrate or booked if no magistrate is available.

An arrest report shall be completed on the refusal to sign the citation.

If not taken before a magistrate, the violator will be booked for the cited offense(s) per the authority of § 40302(b) VC.

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500.4.5 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

500.5 SPECIAL TRAFFIC ENFORCEMENT PROCESSING REQUIREMENTS

500.5.1 JUVENILES

Traffic infractions committed by juveniles age 15 & 1/2 or older will be processed in the same manner as those committed by adults, except:

- (a) The juvenile's home phone number, school and grade, and a parent's name should be obtained for the citation, and
- (b) Juveniles should be told that one or both parents must accompany them when appearing in court for traffic violations.

Traffic infractions by juveniles under age 15 & 1/2 should be resolved by parent / guardian contact, or by education and a warning.

Juveniles who are physically arrested for a traffic offense will be handled by juvenile petition.

500.5.2 MILITARY PERSONNEL

Military personnel are subject to citation for moving violations committed during the performance of their duties. However, officers should avoid initiating a stop on military personnel who are operating United States military vehicles unless public safety is endangered as a result of vehicle code violations.

500.5.3 LEGISLATORS

Members of the legislature of the State of California, and members of the legislature of other states, are not exempt from the laws of the State of California. Once so identified, any necessary records checks should be completed via an encrypted police channel or other means.

As with all members of the public, officers are encouraged to determine the appropriate enforcement action and apply the department's traffic law enforcement policies in a consistent, unbiased manner.

Any officer who detains a legislator for a traffic offense should notify a supervisor without unnecessary delay via means other than the police radio, when possible.

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500.5.4 FOREIGN DIPLOMATS AND CONSULAR OFFICIALS

See Foreign Diplomatic and Consular Representatives policy.

500.6 TRAFFIC LAW ENFORCEMENT POLICIES

500.6.1 DEGREE OF HAZARD

Officers should strongly consider the degree of hazard presented by the violation of a traffic law or regulation when determining whether or not to initiate a detention or take enforcement action. An evaluation of the hazard presented may include, but is not limited to, the following factors:

- (a) The nature and severity of the violation
- (b) Any harm caused or likely to be caused by the type of violation, whether to the violator and/or others
- (c) The immediate conditions and context (location, time of day, weather, traffic flow, etc.)
- (d) Location-specific collision history
- (e) Recent traffic trends or issues
- (f) Related directed patrol efforts or campaigns

Officers should prioritize their efforts to address violations that present hazards, but may initiate a detention and take enforcement action for non-hazardous violations. Citations or verbal warnings may be issued at the discretion of the officer.

500.6.2 DRIVING UNDER THE INFLUENCE

Refer to the department Impaired Driving policy.

500.6.3 SPEEDING AND OTHER MOVING VIOLATIONS

Officers may enforce speed and other moving violations by use of speed measuring devices, pacing, or observation.

Officers should consider appropriate factors when enforcing laws of speed and other moving violations, including time of day, traffic flow, weather conditions and location.

Speed and other moving violations shall be enforced by either citation or verbal warning.

500.6.4 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. If the driver is unaware of the suspension, 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.

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500.6.5 EQUIPMENT AND REGISTRATION VIOLATIONS

Officers may initiate the detention of a motorist for equipment and/or registration violations as specified within the California Vehicle code and other laws or regulations, but equipment and/or registration violations which do not present a safety hazard to the vehicle's occupants or to other motorists or persons should be considered the lowest priority.

Officers may issue citations for equipment and/or registration violations, except that officers should not issue citations for such violations that can be remedied immediately.

Whenever a vehicle is found or operated upon a public highway or on an off-street parking facility with a registration expiration date in excess of six months, whether occupied or unoccupied, an officer may remove and store such vehicle pursuant to section 22651(o) of the California Vehicle Code.

500.6.6 COMMERCIAL VEHICLE VIOLATIONS

For the safety of passengers and the general public, officers may enforce laws and regulations governing public carriers and commercial vehicles, including by inspection, administrative action, warning, citation, or arrest as necessary.

500.6.7 OFF-ROAD VEHICLE VIOLATIONS

Officers should attempt appropriate enforcement action for all observed or reported violations committed by operators of off-road vehicles, as authorized by the California Vehicle Code or other laws and regulations, including:

- (a) Removal of unlicensed vehicles from the streets and highways
- (b) Violation of off-road vehicle registration laws
- (c) Misuse of public trails
- (d) Improper use of street and highway crossings
- (e) Citizen complaints of excessive noise, trespass, and/or property damage
- (f) Status as juvenile offenders

Off-road vehicles may include, but are not limited to dirt bikes, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

Collisions involving off-road vehicles should be investigated according to the applicable criteria and procedures for public and private collisions as directed by the California Highway Patrol collision investigation manual.

500.6.8 NEWLY ENACTED LAWS OR TRAFFIC CONTROLS

For the first four (4) weeks after the enactment of new traffic laws or regulations, or following the installation of new traffic control devices, officers should issue verbal warnings in lieu of citations for such violations. The Operations Lieutenant may adjust the length of this default grace period by issuing a temporary directive.

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500.6.9 VIOLATIONS RESULTING IN TRAFFIC COLLISIONS

The officer investigating a traffic collision may take enforcement action when they have identified a violation of a traffic or relevant law and evidence exists to satisfy all the elements of that particular violation, as follows:

- (a) The officer may take immediate enforcement action and issue a Notice to Appear at the scene of the collision, even if the violation did not occur in their presence, if that officer has successfully completed a traffic collision course or courses certified by the Commission on Peace Officer Standards and Training, in the investigation of traffic collisions, as required by CVC §40600(a).
- (b) If the officer observes the violation, and after responding to the collision chooses to do so, they may issue a Notice to Appear based on that observation.
- (c) If circumstances warrant, an officer may make an arrest for driving under the influence at a collision scene, if evidence is in accordance with CVC §40300.5.
- (d) If the identity of a driver who was involved in a collision, but left the scene, is determined through an officer's investigation, an arrest warrant may be sought.

If an officer makes an arrest at a collision scene and takes the driver into custody, the officer shall complete a Crime Report in addition to the traffic collision report.

500.6.10 BICYCLE AND MOBILITY DEVICE VIOLATIONS

Officers should only initiate the detention of a bicyclist on a moving bicycle or the operator of a moving mobility device to enforce a traffic violation when there is:

- (a) A reasonable suspicion that the operator or a passenger has committed a misdemeanor or felony crime, or
- (b) Probable cause to believe that the operator or a passenger has committed an infraction.

An administrative or traffic citation may be issued. Officers shall not initiate any detention solely for a failure to display a bicycle registration decal, nor shall they issue any citation for such a violation.

500.6.11 PEDESTRIAN VIOLATIONS

The department recognizes that traffic violations committed by pedestrians can lead to collisions, property damage, injury, and even death. Whether on or off-campus, pedestrians are expected to comply with applicable traffic laws.

Officers should only initiate the detention of a pedestrian solely to enforce a traffic infraction when there is probable cause to believe the pedestrian has committed that infraction, and a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

Officers should attempt to address and correct pedestrian traffic violations with education and warnings, but may issue a citation when the pedestrian's actions caused harm to others or were likely to do so, or a warning, if in the officer's opinion, may not change the pedestrian's future actions.

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500.7 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.7.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests shall be worn include traffic control duties, traffic collision investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.7.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be issued to and maintained by the officer. Before going into service, each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Manager should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.8 TRAFFIC DIRECTION AND CONTROL

The primary purpose of traffic direction and control is to protect the safety of the public. Efficient flow of traffic is a valid purpose, but always secondary to safety needs. Traffic direction should not be initiated unless necessary. The department recognizes that slow but moving traffic is often a safe and preferable alternative to active traffic direction and control.

Officers may initiate traffic direction and control as specified by this policy. Other department members may assist with traffic direction and control as specifically requested by sworn personnel. Officers should consider using personnel from Transportation and Distribution Services (TDS) when possible to direct traffic so officers are free to manage activities that require their immediate attention.

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500.8.1 TEMPORARY ROAD CLOSURE OR TRAFFIC RESTRICTION

Officers may temporarily close a roadway or restrict vehicle and/or pedestrian traffic as necessary for public safety, to protect the scene of a crime or traffic collision investigation, or for another compelling public purpose when alternatives are infeasible. This includes, but is not limited to:

- (a) Disasters or large-scale emergency conditions
- (b) Severe weather or road conditions
- (c) Protection of emergency response personnel, vehicles and equipment
- (d) Large groups of people and/or unusually heavy vehicular traffic
- (e) Special event safety and security needs (sporting events, concerts, ceremonies, etc.)
- (f) Protection of dignitaries or other persons or locations with elevated threat concerns
- (g) Extreme fire danger prevention measures
- (h) Roadway obstructions or hazards

Roadway closures or restrictions for planned events should be coordinated ahead of time with any affected outside agencies or campus business units as necessary, and sufficient advance notice should be provided to any predictably affected parties.

500.8.2 MANUAL TRAFFIC DIRECTION

To provide effective manual traffic direction, department members should utilize an appropriate combination of standardized methods including hand signals and gestures, whistles, flashlights and any other available and appropriate equipment or signage.

When hand signals are utilized, eye contact should be attempted with the driver(s) being signaled. The standard hand signals include:

- (a) **Stop** - An upraised hand at the end of an extended arm, at or above shoulder level, with the palm of the hand clearly facing the approaching driver for whom the signal is intended.
- (b) **Start** - With arm extended toward the stopped vehicle, at or above shoulder level, pointing and waving the car onward by bending the arm at the elbow and drawing the hand toward the chest. Once traffic in one direction starts to move, the same signal may be delivered to opposing traffic.
- (c) **Pull Up** - Usually reserved for turning traffic that is facing opposing vehicles or pedestrians. Point to the position at which the driver should pull their stopped or slowly approaching vehicle, and motion their approach to that position. If possible, hold the pointed hand and arm in position until conditions are safe for the turning movement.
- (d) **Turn** - Opposing traffic should be signaled to stop and subsequently held with the standard "Stop" hand signal. Once safe, the motorist should be instructed to turn by making a come-along signal with the other hand.
 - 1. Right-turning traffic usually requires little traffic direction unless the turning movement is crossing a heavily traveled crosswalk or must merge into heavy vehicular traffic.

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2. Natural gaps are best used for turning vehicles, when available.

Whistle signals should be used in combination with hand signals as follows:

- (a) **Stop** - a single, long blast.
- (b) **Start** - two short blasts.
- (c) **Emergency Stop** - multiple (three or more) quick, short and loud blasts.

Flashlights may be used with or without safety wand attachments to improve visibility of hand signals and for the safety of the department member providing traffic direction. Department members should avoid pointing direct flashlight beams into the eyes of motorists or pedestrians unless necessary for their safety or the safety of others.

500.8.3 TRAFFIC CONTROL DEVICES

As necessary, department members may use traffic control devices to temporarily restrict or direct traffic, including:

- (a) Reflective folding street barricades (Type 1, 2 or 3)
- (b) Reflective A-frame traffic barricades (aka parade barricades)
- (c) Traffic cones
- (d) Jersey Barriers
- (e) Incendiary road flares (use caution near vegetation, vehicle fluids, and pedestrians)
- (f) Department-issued electric flares, emergency safety lights and/or reflective warning markers
- (g) Department-approved temporary traffic control signs or LED message boards
- (h) Department cars, trucks, utility carts or motorcycles with emergency lights activated

The following items should not be used to control vehicular traffic:

- (a) Crowd control barricades
- (b) Crime scene or hazard tape
- (c) Department bicycles or mobility devices
- (d) Makeshift barricades or obstacles

500.8.4 MANUAL OPERATIONS OF TRAFFIC SIGNALS

When practicable to do so, officers may manually adjust or operate traffic signals or other permanent traffic control devices as necessary and appropriate during temporary traffic direction and control. Otherwise, officers should employ manual traffic direction, and/or other temporary traffic control devices or methods, or contact Transportation and Distribution Services to assist with the manual control of traffic signals.

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500.8.5 SEVERE WEATHER AND ROAD CONDITIONS

Roadways deemed to be hazardous due to severe weather or road conditions should be closed by use of traffic control devices. Department personnel should be assigned to temporarily divert traffic around hazards as necessary. When one or more University roadways must be closed or restricted due to severe weather or road conditions, the patrol supervisor (in consultation with command staff as necessary) should:

- (a) Determine if additional personnel or other resources are needed to provide assistance.
- (b) Ensure the fire department is made aware of any roadways that will be impassable for any significant length of time, and of any specific fire hazards or life safety concerns.
- (c) Notify UC Irvine Facilities Management of any damaged roads, fallen trees or power lines, or other hazardous conditions needing mitigation or repair.
- (d) Provide command staff with updates to notify the general public about adverse conditions that will likely affect traffic, public safety or University operations.

500.9 ASSISTANCE TO MOTORISTS

Upon the report, observation, or discovery of a stranded motorist on University property, officers are expected to stop and render assistance when possible. Otherwise, the officer should notify dispatch so that appropriate assistance may be summoned.

Officers are encouraged to similarly assist stranded motorists in areas near the campus, but may instead ask dispatch to notify the appropriate agency with jurisdiction. If another agency requests our department's assistance with a motorist stranded off campus, the request should be forwarded to the patrol supervisor for consideration.

Examples of motorist assistance include, but are not limited to, the following:

- (a) Providing directions
- (b) Escorting a lost motorist
- (c) Summoning roadside assistance services or alternative transportation
- (d) Transporting a motorist to a safe location to await assistance

After summoning any necessary assistance for a motorist stranded in an isolated or hazardous location, or for a motorist stranded during the hours of darkness, the officer should offer to remain until assistance arrives, or alternatively offer to transport the motorist to a safe location. If the officer leaves after summoning assistance, the officer should check back after a reasonable time to verify assistance was provided.

500.9.1 STALLED VEHICLE TRAFFIC HAZARDS

Upon the report or discovery of a stalled vehicle which has created an immediate hazard to public safety, whether on or off University property, the officer should provide traffic control until the hazard is mitigated, or until the officer is relieved. If additional police assistance is required for an off-campus stalled vehicle traffic hazard, the appropriate agency with jurisdiction should be summoned.

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Police vehicles equipped with push bars may be used to move vehicles that pose an immediate hazard from the roadway. Vehicles should not be pushed farther than required to alleviate a hazard. Push bars shall not be used to attempt to push-start a stalled vehicle.

In some situations, the hazard to public safety posed by a stalled vehicle may be mitigated by the placement of flares, cones or other traffic control devices. Other circumstances may require manual traffic direction until a tow service removes the vehicle. If uncertain how to resolve the situation, the officer should consult with a supervisor.

500.9.2 MOTORIST EMERGENCIES

Upon the report or discovery of a motorist with a medical or life-safety emergency, whether on or off University property, the officer shall immediately render assistance, coordinate the response of additional necessary resources, and provide traffic control until the emergency is resolved, or until the officer is relieved. If additional police assistance is required for an off-campus motorist emergency, the appropriate agency with jurisdiction should be summoned. The primary officer should immediately notify dispatch of the location and nature of the emergency, and summon any necessary fire / paramedic response or other resources.

Officers at the scene should identify and attempt to mitigate and/or take precautions for any additional hazards that may be present, such as fire or hazardous materials. Officers should provide any appropriate first aid or emergency medical care to injured persons until medical responders arrive.

Once the emergency at the scene is stabilized, officers should determine if a criminal and/or collision investigation might also be required.

500.9.3 MITIGATION OF HAZARDOUS ROAD CONDITIONS

The department recognizes that roadway hazards or defects such as debris, abandoned objects or vehicles, hazardous materials spills, damaged roadway surfaces, defective signals or traffic control devices, defective lighting equipment, and damaged or missing roadway markings or street signs can all be or become hazardous conditions which might increase the risk of collisions, injuries, and vehicle or other property damage, and thereby present a liability to the University.

Upon the report or discovery of any roadway hazard or defect that presents an immediate safety concern, whether on or off University property, the officer should notify dispatch and take or arrange for any action that is required to resolve the problem without delay and provide any necessary traffic control until the hazard is mitigated, or until the officer is relieved. If additional police assistance is required for an off-campus roadway hazard or defect, the appropriate agency with jurisdiction should be summoned.

Upon the report or discovery of a roadway hazard or defect on University property that should be addressed to prevent a potentially hazardous condition but does not present an immediate safety concern, the officer should contact UCI Facilities Management via telephone or email without unnecessary delay to request repair. The officer shall document the request for repair in the notes of a CAD event (or request the dispatchers to do so), if not otherwise documented in a police report.

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500.9.4 TRAFFIC ENGINEERING CONCERNS

All complaints or suggestions regarding traffic engineering or roadway design on University property, whether from department members, the campus community or the general public, shall be forwarded to the Operations Lieutenant for review and any appropriate action.

The Operations Lieutenant is responsible to identify and provide appropriate personnel within UCI Facilities Management and/or UCI Transportation and Distribution Services with all traffic engineering or roadway design complaints and suggestions, and with any police department data and statistics that may be useful in identifying and prioritizing necessary improvements to University traffic engineering and roadway design.

Complaints or suggestions regarding off-campus traffic engineering or roadway design should be referred directly to the appropriate jurisdictional authority.

500.10 VEHICLE ESCORT SERVICES

This department may provide escorts to private or public vehicles on campus to ensure the safe and efficient movement of traffic and safety to the community as a whole. Examples of this service may include, but are not limited to:

- (a) Medical and fire services;
- (b) Hazardous cargo;
- (c) Oversized loads;
- (d) Travel into areas that are primarily pedestrian-exclusive;
- (e) Special events;
- (f) Dignitaries and government officials; and
- (g) Funerals.

Officers shall not escort any vehicle or chain of vehicles without prior authorization by a supervisor.

Officers are prohibited from providing escorts for privately owned vehicles during medical emergencies. In such cases, officers should request dispatch to summon fire/paramedic personnel.

72-Hour Parking Violations

501.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the University of California, Irvine University Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

501.2 MARKING VEHICLES

Vehicles suspected of being in violation of the University of California, Irvine 72-Hour Parking Ordinance shall be marked and noted on the University of California Irvine Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Traffic Bureau for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Records Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

501.2.1 MARKED VEHICLE FILE

The Watch Commander shall be responsible for maintaining a file for all Marked Vehicle Cards.

Patrol officers shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

501.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Bureau immediately following the storage of the vehicle. It shall be the responsibility of the Records Bureau to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals

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having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

Disabled Vehicles

502.1 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.

502.2 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.

502.3 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.

502.3.1 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.

502.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

502.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

502.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

Traffic Citations

503.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

503.2 RESPONSIBILITIES

The Operations Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Court Liaison shall be responsible for:

- (a) The supply and accounting of all traffic citations issued to employees of this department.
- (b) Maintaining a sufficient supply of traffic citations in a secure cabinet in the records bureau.
- (c) Managing a system that accounts for all traffic citations issued to department members through the use of a traffic citation issuance logbook documenting the following:
 1. Citation beginning number within the issued booklet
 2. Date of issuance
 3. Receiving officer's name
 4. Issuing Court Liaison's name

503.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Manager may request the Operations Lieutenant to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Lieutenant for review.

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503.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Bureau.

503.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Bureau. The Traffic Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

503.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

503.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

503.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Bureau who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the University of California Irvine Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

503.7.2 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.

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- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

503.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

503.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The University of California Irvine Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Operations Lieutenant in coordination with the Training Manager will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

504.4 FIELD TESTS

When conducting DUI investigations, Officers shall use at a minimum the three standardized National Highway Transportation Safety Administration's (NHTSA) approved field sobriety tests including the Walk-and-Turn, One-Leg Stand, and Horizontal Gaze Nystagmus.

Other acceptable tests, in addition to the NHTSA recognized tests, include the Romberg Balance Test, Finger-to-nose, ABC test, and Hand Pat Test.

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504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.2 BREATH SAMPLES

The Operations Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Operations Lieutenant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a

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blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

504.5.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised

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that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

504.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

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- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.7 RECORDS BUREAU RESPONSIBILITIES

The Records Analyst will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.8 ADMINISTRATIVE HEARINGS

The Records Analyst will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

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504.9 TRAINING

The Training Manager should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Manager should confer with the prosecuting attorney's office and update training topics as needed.

504.10 ARREST AND INVESTIGATION

504.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.10.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

Vehicle Impound Hearings

505.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

505.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the University of California Irvine Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

505.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Patrol Lieutenant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Lieutenant. The hearing officer will recommend to the appropriate Lieutenant that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Traffic Collision Reporting

506.1 PURPOSE AND SCOPE

The University of California Irvine Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

506.1.1 DEFINITIONS / CLASSIFICATIONS

DEFINITIONS:

Traffic Collision: A collision is an un-intended event that produces damage or injury involving a vehicle in-transport. The word injury includes fatal injury.

Fatal Injury: Death as a result of injuries sustained in a collision, or an injury resulting in death within 30 days of the collision.

Severe Injury: An injury, other than a fatal injury, which results in broken, dislocated or distorted limbs, severe lacerations, or unconsciousness at or when taken from the collision scene.

Other visible injuries: Includes bruises, which are discolored or swollen places where the body has received a blow (includes black eyes and bloody noses), and abrasions, which are areas of the skin where the surface is roughened or broken by scratching or rubbing (includes skinned shins, knuckles, knees, and elbows).

Complaint of Pain: This classification could contain authentic internal, other non-visible injuries, and fraudulent claims of injury and includes, but not limited to:

- Persons who seem dazed, confused, or incoherent (unless such behavior can be contributed to intoxication, extreme age, illness, or mental infirmities).
- Persons who are limping but do not have visible injuries.
- Any person who is known to have been unconscious as a result of the collision, although it appears he/she has recovered.
- Persons who SAY they want to be listed as injured but do not appear to be so.

CLASSIFICATIONS:

- (a) Collision "Investigation" Documentation - A collision SHALL be documented as an "Investigation" when one or more of the following conditions apply:
 1. A motor vehicle collision results in the death of a person on or off a highway.
 2. A motor vehicle traffic collision results in traumatic personal injury.
 3. The collision is a school bus collision as defined in the California Highway Patrol Collision Investigation Manual and 12517.1 V.C.
- (b) A collision "Investigation" will be formatted as follows:
 1. **FACTS:**

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- (a) NOTIFICATION: *MANDATORY* – Where officer responded from and time of arrival.
 - (b) SCENE: *MANDATORY* – A description of roadway/collision location.
 - (c) PHYSICAL EVIDENCE: IF PRESENT – Skid marks, debris, etc.
 - (d) HIT AND RUN: IF APPLICABLE – Description of suspect vehicle, who if anyone can ID driver, damage to vehicle.
 - (e) HAZARDOUS MATERIALS: IF APPLICABLE – Gas truck information, placards, OCFA response.
 - (f) OTHER FACTUAL INFORMATION: IF APPLICABLE – License restrictions, suspensions, etc.
 - (g) PARTIES: *MANDATORY* – Identify parties involved, how identified. Identify vehicles involved, description, where located, defects.
2. STATEMENTS: *MANDATORY* – Drivers, passengers and witness statements.
 3. OPINIONS AND CONCLUSIONS
 - (a) SUMMARY: *MANDATORY* – Officers opinion of events just prior to during and after collision.
 - (b) INTOXICATION NARRATIVE: IF APPLICABLE – Signs of intoxication, how determined to be the driver, if FSTs were completed and if driver was arrested.
 - (c) AREA(S) OF IMPACT (AOI): *MANDATORY* – Area of impact(s), how determined, measured with at least two coordinates.
 - (d) CAUSE: *MANDATORY* – State PCF and party at fault, articulate elements of violation that support PCF, how fault was determined.
 - (e) RECOMMENDATIONS: *MANDATORY* – Record any follow up needed, filing with OCDA, citation issued.
 4. SKETCH: *MANDATORY* – Sketch movements prior to and at collision.
 5. FACTUAL: IF VEHICLES HAVE NOT BEEN MOVED SINCE COLLISION – Notate if to scale or not to scale, must have legend.
- (c) Collision “Report” Documentation - A collision may be documented as a “Report” (in lieu of an “Investigation”) when one or more of the following conditions apply:
1. A motor vehicle collision results in minor injury.
 2. A motor vehicle non-traffic (off highway) collision involves an injury, unless the Watch Commander determines that the collision should be documented as an investigation.
 3. A collision involves damage to private property and the driver is unable to notify the property owner in compliance with VC § 20002 (a), but notifies this Department without unnecessary delay.

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4. The officer witnesses the accident causing violation and issues a citation at the scene.
 5. A collision involves a "late reported" injury, unless the Watch Commander determines that the collision should be documented as an investigation. Excludes fatal collisions and school bus accidents, which shall be documented as an investigation.
 6. A motor vehicle traffic collision results in a tow-away whether or not the vehicle is actually towed away. Excludes vehicles which sustain only fire damage.
 7. A collision involving an arrest for 2800.1, 20002 or 23152 VC.
 8. The collision is the result of an identifiable violation, and the collection of evidence is required to support prosecution. When the offense to be prosecuted is not collision related, such as possession or storage of an open container of alcoholic beverage, the requirement for an investigation should be based upon the needs of the prosecuting attorney.
 9. An involved party is in violation of the hit-and-run provisions of VC § 20002(a) or (b) on or off the highway and sufficient information is available to identify the hit-and-run driver through follow-up.
- (d) A collision report will be formatted as follows:
1. NOTIFICATION: Where officer responded from and when arrived.
 2. STATEMENTS: Drivers, passengers and witness statements.
 3. SUMMARY: Officers opinion of events just prior to during and after collision.
 4. AREA(S) OF IMPACT (AOI): Area of impact(s), how determined, measured with at least two coordinates.
 5. CAUSE: State PCF and party at fault, articulate elements of violation that support PCF, how fault was determined.
 6. RECOMMENDATIONS (optional): Follow up to be completed, review etc.
 7. SKETCH: Sketch movements prior to and at collision.

506.2 RESPONSIBILITY

A Sergeant, assigned by the Operations Lieutenant, will be responsible for ensuring a current copy, including updates, of the CHP Collision Investigation Manual is available to officers in the report writing room and Watch Commander's office.

506.3 TRAFFIC COLLISION RESPONSE AND INVESTIGATION REPORTING

Upon the report or discovery of a traffic collision, the assigned officer shall be considered the primary officer unless otherwise directed by the on-duty supervisor. The primary officer is responsible to:

- (a) Notify dispatch of the exact location and number of involved vehicles (if not already aware)

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- (b) Secure the scene and take steps to prevent other vehicles and persons from becoming involved (establishing a safe traffic pattern around the scene and crowd control measures)
- (c) Request any additional resources as necessary (additional officers, fire/medical services, Transportation and Distribution Services, Environmental Health and Safety, or other department members or resources)
- (d) If necessary, administer emergency medical care until medical services arrive
- (e) To the extent possible, attempt to preserve the scene as well as any evidence of the collision or any related criminal violation(s)

If the collision (based on the location of the initial point of impact) is determined to have occurred in the jurisdiction of another agency, that agency should be contacted to respond to the scene and handle any necessary investigation or other follow-up efforts. However, department members shall continue to render any immediately necessary emergency services, and may otherwise continue to assist the handling agency upon their arrival, at the discretion of the on-duty supervisor.

506.3.1 COLLISION SCENE HAZARDS

At the scene of a traffic collision, department members should be alert for any threats and hazards that may be present and should take steps to minimize or mitigate them as possible. This may include, but is not limited to, the following:

- (a) Fire, explosion, heat, and/or hazardous materials (including biohazards)
- (b) Broken glass, jagged metal edges and/or other dangerous physical conditions at the scene
- (c) Persons who are combative or who otherwise interfere with rescue efforts, whether bystanders or involved persons
- (d) The potential for fire to spread or other secondary hazards to occur as a result of the collision

Department members may utilize issued or available resources as necessary and appropriate (e.g., fire extinguishers, blankets, tools) to attempt to suppress fire or address other hazards that may be present.

Officers should assess the potential need for evacuation of nearby areas and/or structures and request/direct additional personnel for this purpose if necessary.

If a collision results in damage to nearby property that creates a safety hazard or security breach, the primary officer should ensure an expedient attempt is made to contact the property owner or their agent to address the problem.

506.3.2 CONFLICT BETWEEN INVOLVED PARTIES

Officers should be alert for potential conflict at the scene of a traffic collision between the parties involved. Officers should request additional units as necessary and attempt to separate and de-escalate the involved parties prior to completing the traffic collision response and investigation.

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506.3.3 COLLISION INVESTIGATION

Utilizing guidance from the CHP Collision Investigation Manual, the primary officer should determine what investigatory steps are necessary and conduct or direct the investigation. This may include, but is not limited to, the following:

- (a) Locating, identifying and interviewing involved parties, passengers and witnesses
- (b) Marking and measuring the position of involved vehicles, debris, skid marks, resultant property damage, etc.
- (c) Collecting photos and/or video recordings of involved parties, vehicles and the scene
- (d) Collecting and preserving any physical evidence (making short-lived evidence a priority)
- (e) Collecting documentation and conducting records checks
- (f) Identifying any additional sources of evidence or information that might be available for subsequent investigation (security camera footage, electronic data, etc.)

506.3.4 COLLISION SCENE RECOVERY

Once any medical services are completed, any hazards have been mitigated, and all investigatory needs have been met, officers should move involved vehicles out of the roadway and enable routine use of the roadway or other scene as soon as practicable.

Involved vehicles requiring a tow will be removed by a tow service of the owner or driver's choice, or according to routine police department procedures if the owner or driver is not present or has no preference. Any personal property abandoned at the scene, but clearly belonging to an involved party, should be brought to the department for safekeeping.

506.4 SPECIAL TRAFFIC COLLISION REPORTING SITUATIONS

506.4.1 COLLISIONS RESULTING IN INJURY OR FATALITY

Traffic collisions resulting in injury or fatality have the highest priority and the primary officer shall complete a thorough investigation and written report. In cases involving serious injury or death, the watch commander in consultation with the Operations Lieutenant shall determine if the investigation will be handled by UCI officers or request the assistance of an allied agency's Major Accident Investigation Team (MAIT) if appropriate.

506.4.2 COLLISIONS INVOLVING A SCHOOL BUS OR MASS TRANSPORT VEHICLE

The California Highway Patrol is responsible for the investigation of school bus collisions anywhere within the State of California when the bus is actively engaged in the transport of school students (including instances of a student leaving or approaching a school bus when the bus has its flashing red lights activated).

Other collisions involving a school bus or another bus or mass transport vehicle on University property are the responsibility of this department to resolve, although assistance from the California Highway Patrol may be requested if applicable under another special reporting condition as described in this policy, or if necessary due to limited department capacity.

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506.4.3 HIT AND RUN COLLISIONS

All traffic collisions involving a hit-and-run require a crime report in addition to a collision investigation or report.

Pursuant to California Vehicle Code §22655(a), an officer may remove a vehicle from the highway or from public or private property for the purpose of inspection if the operator has failed to stop and comply with the provisions of California Vehicle Code §20002 to §20006.

If the suspect vehicle in a hit-and-run is detained, the agency handling the case should be contacted to determine if they will respond to the scene and/or if the suspect vehicle should be towed for purposes of their investigation.

If this department is the investigating agency, the on-duty supervisor should determine if the suspect vehicle should be towed for evidence processing, and is responsible to arrange for any necessary evidence processing to occur within 48 hours (excluding weekends and holidays) as follows:

- (a) Felony hit-and-run - mandatory seizure
- (b) Misdemeanor hit-and-run - optional seizure if sufficient evidence collection can be conducted at the scene

Pursuant to California Vehicle Code §22655(b), a vehicle towed by the authority of §22655(a) shall be released upon the expiration of 48 hours after such removal from the highway or private property, upon demand of the owner. When determining the 48 hour period, weekends and holidays shall be excluded.

506.4.4 COLLISIONS INVOLVING OTHER CRIMINAL VIOLATIONS

All traffic collisions involving a vehicle operator who is determined to have been under the influence of alcohol and/or drugs, no matter to what degree and regardless of fault, require a crime report in addition to a collision investigation or report. Refer to the department Impaired Driving policy for investigative and reporting procedures regarding such cases.

All traffic collisions involving a simultaneous misdemeanor or felony offense require a crime report in addition to a collision investigation or report.

506.4.5 RESOLVING MINOR COLLISIONS/PROPERTY DAMAGE ONLY

Traffic collisions where there is no injury and only minor damage to the vehicles involved or other property may not require a traffic collision report. Involved parties may decide to exchange information as allowed for under the California Vehicle Code. In these cases, officers may assist in facilitating the exchange of information between the involved parties. If one or more involved parties is insistent on a report, the officer can complete a report and defer to the on-duty watch commander on whether a report should be taken. Such minor collisions may be documented using the CHP Property Damage Only (PDO) report format, or if they occurred on University property, as a property damage report utilizing standard department report writing procedures.

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If not otherwise documented, the responding officer shall ask dispatch to note the license plates and descriptions of the involved vehicles, the lack of apparent injuries to the involved parties, and the parties' successful exchange of information in the Computer Aided Dispatch (CAD) system.

Collisions involving University owned vehicles must be documented in a traffic collision report.

506.4.6 TRAFFIC COLLISIONS INVOLVING UNIVERSITY VEHICLES - NON-INJURY / MINOR INJURY

A collision shall be documented as a "report" when a University-owned vehicle is involved in a traffic collision upon a roadway or highway within the jurisdiction of the University wherein any damage or minor injury results. Whenever there is damage to a University of California, Irvine vehicle, a Vehicle Damage Report shall be completed and forwarded to the Operations Lieutenant. Photographs of the collision scene and vehicle damage shall be taken by the officer investigating the collision.

506.4.7 TRAFFIC COLLISIONS INVOLVING UNIVERSITY VEHICLES - SEVERE INJURY OR DEATH

A collision shall be documented as an "investigation" when a University-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any severe injury or death results. When a significant injury or death related collision occurs, the Watch Commander shall make immediate contact with the Operations Lieutenant or their designee to discuss the most appropriate agency to conduct the investigation. Consideration should be given to requesting the assistance of the Irvine Police Department's Major Accident Investigation Team (MAIT) to assist in or handle the investigation.

506.4.8 TRAFFIC COLLISIONS INVOLVING UNIVERSITY POLICE VEHICLES

A collision involving a UC Irvine Police Department vehicle, occurring within the jurisdiction of the University shall be investigated by an outside agency. The primary agency to investigate the collision should be the Irvine Police Department (Irvine campus) or Orange Police Department (Medical Center campus), however if the resources to conduct the investigation are not available through the Cities of Irvine or Orange, another local law enforcement agency including Newport Beach, Costa Mesa, Anaheim or the California Highway Patrol shall be contacted and requested to investigate the collision.

If there are no injuries and no property damage other than to property owned by the University, the Watch Commander may authorize that the collision be investigated by UC Irvine Officers, or if the damage is very minor, be documented only on a University Vehicle Damage Report form. Photographs of the collision scene and vehicle damage shall be taken by the Watch Commander or their designee, in addition to any photographs taken by an outside investigator.

Serious injury or fatal traffic collisions occurring within the jurisdiction of the University shall be investigated, depending on the location of the collision, by the Irvine or Orange Police Department's MAIT teams.

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506.4.9 TRAFFIC COLLISIONS INVOLVING UNIVERSITY VEHICLE (OUTSIDE JURISDICTION)

Traffic collisions occurring outside the jurisdiction of the University of California, Irvine involving any University owned vehicle (Police and Non-Police) shall be investigated by the jurisdiction in which the collision occurs, or by the California Highway Patrol upon mutual agreement between the agency of jurisdiction and the supervisor.

506.4.10 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 a Vehicle Code violation. An Incident Report shall be taken.

506.4.11 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision.
- (b) When there is an identifiable violation of the Vehicle Code.
- (c) When a report is requested by any involved driver.

506.5 NOTIFICATION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Operations Lieutenant to relay the circumstances of the traffic collision and coordinate the request of the Orange or Irvine Police Department MAIT to investigate the collision. The Operations Lieutenant will work with the investigating agency and UIC Strategic Communications to prepare an initial press release.

Vehicle Towing and Release

507.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the University of California Irvine Police Department. Nothing in this policy shall require the Department to tow a vehicle.

507.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

507.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator, and the original shall be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

507.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the University of University of California, Irvine. The officer will then store the vehicle using a CHP Form 180.

507.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

507.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

507.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

507.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

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507.2.7 RECORDS BUREAU 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 Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by mail as applicable and as provided in Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), and Vehicle Code § 14602.6(a)(2). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Department
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage
- (c) The authority and purpose for the removal of the vehicle
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice

507.3 TOWING SERVICES

The University of University of California, Irvine periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

507.4 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.

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507.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

507.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
 1. The vehicle was stolen.
 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without

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requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

507.7 TOWING FOR EXPIRED REGISTRATION

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

Storage and Impounded Vehicle Registration Fee

508.1 PURPOSE AND SCOPE

The purpose of this Department policy is to provide regulations and procedures for the release of vehicles, which have been lawfully towed (stored and or impounded) by the UC Irvine Police Department.

508.2 VEHICLE RELEASE GUIDELINES AND CHARGES

- (a) A vehicle impound release fee of \$50.00 shall be charged to all drivers who have been arrested for any criminal violation except 23152(a)(b) CVC and 20002 CVC.
- (b) A vehicle impound release fee of \$125.00 shall be charged to all drivers who have been arrested/cited for a driver's license violation (12500 CVC/14601 CVC). Drivers arrested for 23152(a)(b) CVC and 20002 CVC shall also be charged a release fee of \$125.00.
- (c) A vehicle release fee of \$175.00 will be charged for all 30 day impounds.

508.2.1 IMPOUNDED VEHICLES WITHOUT A FEE

The following stored and or impounded vehicles shall not be charged with a release fee from the UC Irvine Police Department:

- (a) Vehicles involved in a traffic collision (does not include "rollaway" vehicles from a parking stall) and the driver requests assistance with the removal of their damaged vehicle from the roadway. The driver will notify the officer of his or her method of payment (insurance/roadside assistance insurance, etc.), which will be relayed to the responding tow company by the UC Irvine Police Department Police Dispatcher.
- (b) Public Service - driver requests assistance/tow for a disabled vehicle (No CHP 180 completed). If a vehicle is disabled or damaged in the roadway, thus impeding the flow of traffic, it shall be removed from the roadway by an officer (22651 (b) CVC) and the appropriate storage release fee shall be accessed.
- (c) Stolen vehicle recoveries - No fee shall be charged to a victim who has had their stolen vehicle recovered by our agency.
- (d) Vehicles towed per the Evidence Code, with the exception of a confirmed suspect(s) using a vehicle registered in their name, or who has received permission to use a vehicle, and the R/O of the vehicle had prior knowledge that the suspect(s) was going to use the vehicle in the commission of a crime (CVC 22655.5). When a UC Irvine Police Department representative releases a vehicle under any of the above stated circumstances, he or she shall stamp the release section on the CHP 180 form with the appropriate (NO CHARGE) and shall initial and place their department I.D. number adjacent the release stamp.

508.3 RELEASE PROCEDURE FOR STORED/IMPOUNDED VEHICLES

The UC Irvine Police Department sworn representative releasing the stored/impounded vehicle will verify that the person requesting the release of a stored/impounded vehicle is the registered owner by conducting a records check with CLETS/DMV. If the registered owner is not present,

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he or she must send a notarized letter or written release with the subject taking possession of the stored/impounded vehicle. The notarized letter may be sent via U.S. mail or by fax machine, and must also contain a copy of the R/O's driver's license or valid state issued I.D. card. A DMV records check of the person wishing release of the vehicle will be conducted to check for a valid driver's license.

The department representative will then make a copy of the CHP 180, which will indicate the release of the vehicle under the appropriate section. The Watch Commander will review all documents and will complete the Storage and Impound Review Report. Copies of the CHP 180 and the Storage/Impound Report will then be faxed to the towing company (West Coast Towing) approving the release of the vehicle. All storage/impound fees will be collected at the towing company. The Watch Commander will place the Storage/Impound report and fax cover sent to the towing company in the records tray for filing in the original case jacket. The towing company (West Coast towing) will be available to release vehicles 24 hours a day, seven days a week, 365 days a year.

- (a) The UC Irvine Police Department will conduct storage/impound reviews twenty-four hours a day, seven days a week.
- (b) Payment of the stored/impounded vehicle release fee will be processed at the towing company facility (West Coast Towing).
- (c) The towing company will accept U.S. currency and Visa/MasterCard credit cards.
- (d) The towing company shall supply a list of all vehicles towed as a result of activity initiated by the UC Irvine Police Department from the prior month. The UC Irvine Police Department Traffic Bureau shall receive this list by the 15th day of the month. The tow company (West Coast Towing) shall forward fees to the UC Irvine Police Department Business Manager no later than the 15th day of the month following the closing date of the previous month period.

508.4 STORAGE AND IMPOUND REVIEW

When a vehicle owner comes to the UC Irvine Police station to dispute the storage/impound of their vehicle per provisions provided under 22858VC, the on-duty Watch Commander shall conduct the following Impound Review to verify that the person's vehicle was stored and or impounded legally and in accordance with UC Irvine Police Department written policy.

The on-duty Watch Commander will act as the Impound Review officer. The Watch Commander will verify that the vehicle in question was Stored/Impounded by the UC Irvine Police Department by checking the CHP 180 form and by conducting a CLETS records check of the vehicle. After a vehicle match has been established, the Watch Commander will verify the ownership and or legal responsibility of the subject(s) requesting the review/release of the vehicle. If the Watch Commander finds that the stored/impounded vehicle was conducted in a legal manner and in accordance with Department Policy, he or she will complete a Storage/Impound Review Report and will fax a copy of the release sheet to the appropriate tow company (West Coast Towing) approving the release. The department Records Clerk will place a copy of the review sheet and fax report in the report case jacket.

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If the Watch Commander finds that a vehicle has been Stored/Impounded improperly, he or she will immediately arrange the release of the vehicle from the towing company who stored the vehicle. There shall be no Storage/Impound release fee paid by the owner/responsible party who is taking possession of the vehicle. The towing company (West Coast Towing) shall not charge any towing or storage fees to UC Irvine Police Department for a vehicle, which was released by UC Irvine Police Department as a no fee stored/impounded vehicle. The Watch Commander will fax a copy of the Storage/Impound report to the appropriate towing company who has possession of the vehicle.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the University of California Irvine Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.3.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.3.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.

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

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.4 INITIAL INVESTIGATION

600.4.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - (a) An initial statement from any witnesses or complainants.
 - (b) A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - (a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - (b) Document the condition of the scene and any unusual or unexpected aspects as necessary.
 - (c) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - (d) If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.

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- (e) Make reasonable attempts to locate, identify, interview and protect the safety of all available victims, complainants, witnesses and suspects.
 - (f) Collect or arrange for the preservation and/or collection of any evidence.
 - (g) Take any appropriate law enforcement action.
 - (h) Accurately and fully complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic

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examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

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600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Lieutenant, Assistant Chief of Police, or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigation Lieutenant is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 - 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 - 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 - 3. Training requirements necessary for those authorized employees.
 - 4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 - 5. Process and time period system audits.
 - 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 - 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 - 8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

600.10 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

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600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the University of California Irvine Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the city to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Detective Bureau supervisor should provide the Records Analyst with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Bureau Policy for additional guidance.

600.12 INVESTIGATIONS UNIT SUPERVISOR

The Chief of Police shall appoint a police sergeant as the Investigations Unit supervisor who is responsible for day-to-day operations and supervision of the detectives assigned to the unit. The Investigations Unit supervisor shall report to the Support Services Lieutenant, who shall be considered the Investigations Unit manager.

The Investigations Unit supervisor is responsible for: the assignment and coordination of cases assigned to detectives, ensuring investigations are progressing in a timely manner, scheduling, payroll, call-outs, providing direction, and assisting detectives with both the necessary resources and training to maintain an effective investigations unit.

The Investigations Unit supervisor is expected to serve as the primary department liaison or contact for campus units, local organizations, and outside agencies with purposes that coincide with criminal investigations. These duties may be delegated or reassigned at the direction of command staff.

In the absence of an Investigations Unit supervisor, the Investigations Unit manager shall assume all duties of the Investigations Unit supervisor.

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600.13 INVESTIGATIONS UNIT MANAGER

The Support Services Lieutenant is responsible for the overall management of the Investigations Unit. The Detective Sergeant reports directly to the Support Services Lieutenant.

The Support Services Lieutenant is responsible for coordinating the selection process for the Detective Sergeant and the officers assigned to this unit and making final recommendations to the Chief of Police for appointment.

The Support Services Lieutenant reviews monthly reports to ensure cases are investigated in a timely manner, and caseloads are evenly distributed. The Support Services Lieutenant is responsible for keeping the Assistant Chief informed on significant cases and the associated investigations.

The Support Services Lieutenant is the department liaison to: the Office of Equal Opportunity and Diversity (OEOD), Office of Academic Integrity & Student Conduct, Student Counseling Center, Campus Assault Resources and Education (CARE) Office, Case Management Team (CMT), Consultation Team (CT), and UCOP Risk Services.

The Support Services Lieutenant is also the alternate Custodian of Records.

600.14 DETECTIVES

The Chief of Police shall appoint sworn officers as detectives to serve within the Investigations Unit. These assignments are considered "specialty" assignments with an initial assignment of three years, followed by optional one year extensions for a maximum of five years total at the discretion of the Chief of Police.

Officers appointed to a detective position are required to complete the California Commission on Peace Officer Standards and Training (POST) Robert Presley Institute of Criminal Investigation coursework leading to their Certificate of Achievement.

Detective assignments include the UCI Medical Center in Orange and the Irvine campus. While officers normally conduct preliminary investigations, detectives are responsible for follow-up efforts for cases assigned to them by the Investigations Unit supervisor or manager, and for carrying out other public safety and law enforcement duties consistent with their role and expertise.

600.15 CASE ASSIGNMENTS

The Investigations Unit supervisor or manager is responsible for reviewing police reports routed to investigations and assigning those cases to detectives for review and/or follow-up investigation. While preliminary investigations are normally conducted by patrol officers, the Investigations Unit supervisor or manager has the authority to direct detectives to handle preliminary investigations.

The Investigations Unit supervisor or manager is responsible for managing the caseloads of detectives and ensuring that investigatory and other follow-up efforts are completed and documented in a timely manner.

When two or more detectives are assigned to the same case, one shall be designated as the primary (or "lead") detective.

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600.16 FOLLOW-UP INVESTIGATION RESPONSIBILITIES

Department members responsible for a follow-up investigation are responsible for ensuring their investigation is accurate and thorough in their efforts to bring the investigation to a resolution in a timely manner. This may include, but is not limited to:

- (a) Reviewing and analyzing all reports prepared during the preliminary investigation phase, department records involving similar cases, and laboratory examination results, if applicable
- (b) Conducting additional interviews of witnesses, victims/complainants and interrogation of possible suspects. Interviews and interrogations should be audio and/or video recorded whenever possible (e.g., body worn camera is an acceptable option)
- (c) Seeking additional information from department members, outside agencies or other official sources
- (d) Revisiting the crime scene, planning, organizing and conducting searches, and collecting any additional physical evidence
- (e) Attempting to identify and apprehend suspects, through use of such investigative techniques as photo line-ups, field show-ups, and/or physical line-ups
- (f) Determining suspects' method of operation and possible involvement in other unsolved crimes
- (g) Checking suspects' criminal and campus conduct histories
- (h) Performing additional follow-up at the request of the prosecuting attorney or their agent
- (i) Analyzing electronic access logs and digital media
- (j) Reviewing publicly accessible information on social media sites and/or other open-source internet resources
- (k) Identifying and apprehending suspects
- (l) Preparing cases for court presentation and/or administrative referral to campus judicial systems
- (m) Communicate and coordinate with department member(s) involved in the initial investigation and any other department members engaged in follow-up efforts on the same case.

600.16.1 FOLLOW-UP PROCEDURES

To initiate a follow-up investigation, the Detective Unit supervisor or manager should review certain types of police reports, including:

- (a) Felony crimes
- (b) Crimes involving sexual violence, relationship violence, and/or stalking behavior
- (c) Crimes involving victimization of children or dependent adults
- (d) Crimes involving firearms
- (e) Hate crimes and crimes involving hate incidents

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- (f) Incidents involving human death
- (g) Missing persons
- (h) 290 PC registrations and violations
- (i) Incidents that appear to be part of an ongoing crime series
- (j) Crime reports or other police reports describing alleged organized criminal activity
- (k) Situations that appear to require threat assessment or management
- (l) Any other case that appears to require significant investigatory efforts to resolve

The reviewing Detective Unit supervisor or manager is responsible to determine if such police reports will be reassigned to a detective, returned to the original case officer, or given a final case status.

600.17 INTERVIEW ROOMS

Members conducting investigations may utilize department facilities to conduct interviews, subject to the following guidelines:

- (a) To maintain the secure environment of the police facility, the interview subject must be under supervision by department members and/or control by officers at all times.
- (b) Prior to utilizing a designated interview room or any other location to conduct an interview, the department member(s) conducting the interview shall complete a security inspection to ensure the location is free of contraband, weapons or other potentially dangerous objects, and any protected information that might be visible to the interview subject or any other person present.
- (c) Upon the interview subject's exit from an interview room or any other location used to conduct an interview, the department member(s) conducting the interview shall complete a comprehensive security inspection to ensure no contraband, weapon or other potentially dangerous object has been left behind. Should any such item be found, a case report shall be generated to document its discovery and disposition.
- (d) Interview subjects shall not be secured to any fixed or movable objects while inside a designated interview room or otherwise while being interviewed.
- (e) Water, access to a restroom, and breaks shall be provided to the interview subject upon request.
- (f) All interviews related to criminal investigations should be recorded, whether audio/video or by audio only, except that a victim or witness who will only submit a written or oral statement on the condition that the interview not be recorded may be accommodated. Interviews may be recorded by use of body worn A/V systems, or by another department approved recording device provided that it is operated by a trained and qualified department member and all recordings are appropriately preserved and documented.
- (g) Should a department member need emergency assistance during an interview, they should activate their portable radio emergency button, make a broadcast for help on the police radio, and/or call out for assistance from nearby personnel.

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600.17.1 ADDITIONAL SUSPECT INTERVIEW GUIDELINES

The interview or custodial interrogation of a suspect shall be conducted by no more than two sworn officers, and in a designated interview room, unless there is a specific need to conduct the interview elsewhere and if authorized by a supervisor. No more than one suspect should be interviewed at a time.

During the interview or custodial interrogation of a suspect, if an officer in possession of any weapon is present in the same room as the interview subject, a second armed officer shall also be present in that room, or in an immediate adjacent space and ready to assist if necessary.

At least two officers should escort a suspect to and from the interview room or other location used to conduct the interview, including for trips to the restroom or any other location within the secure area of the police facility, or whenever the suspect is in secure custody. Officers escorting a suspect to the restroom shall complete a comprehensive security inspection of the portion of the restroom facility to which the suspect has access, both before and after it is used by the suspect, to ensure no contraband, weapons or other potentially dangerous objects are present and/or left behind.

600.17.2 ADDITIONAL VICTIM / WITNESS INTERVIEW GUIDELINES

Interviews of victims or witnesses should be conducted by no more than two department members, in designated interview rooms, or in other locations that meet the needs of the interview subject and do not interfere with other department activities. At least one department member within the interview room shall be equipped with a police radio. No more than one victim or witness should be interviewed at a time. Interviews of victims or witnesses should not be recorded utilizing covert equipment without the awareness of the interview subject and any other persons present.

600.18 CONCURRENT TITLE IX INVESTIGATIONS

The department will not cause a Title IX investigation to be delayed pending the outcome of a criminal investigation and shall coordinate with the Office of Equal Opportunity and Diversity (OEOD) regarding any need to temporarily delay a Title IX investigation being conducted by the University concurrent to a criminal investigation.

A request by the department to delay part or all of a concurrent Title IX investigation should be limited to the extent reasonably necessary for the collection of evidence and vital information critical to the successful investigation and potential criminal prosecution of the case.

The Investigations Unit supervisor or manager should coordinate all such requests, ensure that critical investigatory steps are completed in a timely manner, and consult with the District Attorney's office for guidance as necessary.

600.18.1 TITLE IX ACCESS TO CRIMINAL INFORMATION

The University's Title IX investigator may be granted access to department information, to include but not limited to, investigation notes and findings about the criminal investigation except to the extent this would compromise the criminal investigation, hinder the criminal prosecution of the case, or violate other applicable law or policy.

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The Investigations Unit supervisor or manager is encouraged to consult with the District Attorney's office for guidance prior to providing such access, as necessary.

600.19 SPECIAL INVESTIGATIONS

Information regarding vice, narcotics and organized crime can be received from various sources including, but not limited to, concerned citizens, investigations, other law enforcement agencies, and anonymous callers.

When an employee of the UCI Police Department receives information of vice, narcotics or organized crime activity, it will be documented in a report by the receiving officer.

Upon receipt of documentation or an incident report regarding vice, narcotics or organized crime activities, the Investigations Unit manager will determine if the case is to be assigned for investigation or turn the investigation over to the appropriate law enforcement within the respective jurisdiction, if resources exceed the capabilities of our agency.

600.19.1 PRELIMINARY AND FOLLOW-UP INVESTIGATIONS

- (a) Once a vice, narcotics or organized crime complaint is assigned for investigation, the following procedure will be used:
 - 1. Reliable information should be developed by reviewing the original complaint and taking the necessary steps to verify the information. This may entail making neighborhood contacts, contacting other agencies that might be familiar with the person(s) or situations(s) and interviewing parties who might be privileged to information.
 - 2. Any evidence collected and submitted will be in accordance with UCIPD Lexipol Policy 706
 - 3. When it is deemed appropriate, surveillance techniques may be employed to gather information
- (b) During the preliminary investigation, the following criteria will be considered and used to prioritize the investigation:
 - 1. The validity and/or reliability of the original information
 - 2. The type of criminal activity
 - 3. The extent or magnitude of the activity
 - 4. The investigative resources required to conduct an investigation including:
 - (a) Other sufficient departmental resources
 - (b) Possible operational problems existing
 - (c) The existing workload of the Investigations Unit and available detectives
- (c) Follow-up Investigations
 - 1. Follow-up investigations should be conducted utilizing the procedures established for preliminary investigations

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2. Detectives will report the progress and status of the investigation to the Support Services Lieutenant on a regular basis. Depending upon the nature of the investigations, the Support Services Lieutenant may be involved in the investigation.
3. All information developed during the investigation will be recorded and submitted to the Support Services Lieutenant for review and approval. Special cases will also be reviewed by the Assistant Chief of Police

600.20 CASE FILE MANAGEMENT

Unless reassigned by a supervisor, the assigned detective for an incident shall be designated as the Lead Detective. The Lead Detective is responsible for the completion of the investigation and necessary or required documentation pertaining to that investigation.

The Lead Detective is responsible to ensure that all necessary follow-up investigation and efforts are completed and documented within the Records Management System (RIMS), including any tasks assigned by a supervisor. These updates to the investigation are documented in the RIMS investigation logs section and must be done in a timely manner, in addition to required supplemental reports.

600.20.1 CASE STATUS CLASSIFICATION AND UPDATES

The Detective Sergeant reviews crime reports daily in RIMS and makes assignments to detectives based on case loads and priorities according to their crime type. Cases are classified as open, inactive, closed, unfounded, or District Attorney Review by the Detective Sergeant. When making a case classification, the Detective Sergeant should consider, but is not limited to the following solvability factors:

- (a) Suspect/Missing Person Named/Known
- (b) Unique Suspect Identifiers
- (c) Vehicle License
- (d) Unique Vehicle Identifiers
- (e) Unique M.O. or Pattern
- (f) Significant Physical Evidence
- (g) Traceable Evidence
- (h) Seriousness/Sensitivity of Crime

Open: A case which has been assigned for follow-up and investigative efforts are actively being pursued. Each detective maintains a RIMS Case Log and updates the investigation on active cases. Paper case logs may be kept, but electronic notes in the Investigation Case Log of RIMS must be clear and updated regularly on active cases.

Inactive: A case in which all available leads have been exhausted but the case has not been brought to a closure. Inactive cases can be reclassified as open investigations if additional information or evidence becomes available.

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Closed: A criminal case that has been concluded by the arrest of a suspect, the filing of charges against a suspect in the case by the district attorney, or declination to prosecute by the victim.

Unfounded: A criminal case may be classified as unfounded if the corpus delicti (elements of the crime) is not present. "Unfounded" refers to a criminal case for which there is insufficient evidence to reasonably conclude that the alleged crime is false or baseless, meaning it did not occur or was never attempted. Criminal allegations shall not be designated as "Unfounded" simply because they are unsubstantiated or implausible.

District Attorney Review: A criminal case that is assigned to a detective that has been submitted to the District Attorney for review.

600.20.2 DOCUMENTING CASE ACTIVITY

Detective cases are documented in RIMS' report writing system under the Records and Case investigations tabs. Detectives enter case follow-up information into the log of the case investigation section, where the information is put into narrative format and time stamped. In addition, case activity is documented in the follow-up and notes section of the case investigation log.

600.20.3 COMPLETED CASE FILES

Completed investigation files are stored in RIMS and can be viewed by the Records unit at any time. All supplemental reports are reviewed and approved by the Investigation's Sergeant. Once approved, detectives will input the case into Smartsheet for Records to review and approve before routing to campus partners, District Attorney's offices, or outside agencies.

600.21 INVESTIGATORY INFORMATION ACCESS AND SECURITY

Access to investigatory reports and materials is limited to authorized department members.

During the course of an active investigation, involved department members shall maintain the security of all related reports, documents, drafts, notes, diagrams, images, digital evidence, physical evidence and any other information of material relevance (including personal identifiable information of involved parties) which they might possess.

When a case is set to the status of Inactive or Closed, involved department members shall upload all relevant investigatory materials to be retained in the RIMS case file, or preserve them as evidence if appropriate. No other physical or electronic investigative materials or copies thereof shall be retained or disseminated, and instead shall be securely destroyed or deleted.

600.22 AVAILABILITY OF INVESTIGATIVE SERVICES

To ensure the availability of basic law enforcement investigative services to the campus community, the department should maintain a minimum staff of at least three (3) detectives (or four (4) detectives with a sergeant serving as Investigations Unit supervisor). Additional detectives should be assigned as staffing allows and as caseload demands require. Detectives may be scheduled according to a 4-day, 10-hour work schedule, subject to operational need. Individual detective schedules should be staggered to provide the presence of at least one detective at the

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worksite at all times during normal business hours. Detectives' schedules that provide extended investigatory coverage due to operational needs during evening and weekend hours should be considered as staffing allows.

600.22.1 FIELD AVAILABILITY AND RESPONSIBILITIES

When a crime scene or call for service in the field might benefit from the oversight and expertise of a detective, the patrol supervisor may request the response of a detective via the chain of command. The assignment of a detective to the scene is subject to the approval of the Investigations Unit supervisor and the chain of command.

Upon arrival at the scene of a crime or call for service, the detective should assume control of the investigatory aspects of the event in question, and may direct patrol officers and other available department personnel as necessary to complete these responsibilities. The patrol supervisor should assist the detective and ensure that all other operational issues are addressed. These responsibilities remain in place until all investigatory needs at the scene are met, unless relieved by a higher authority.

Until such time as a detective arrives at the scene and assumes control of the investigation, the event and any investigation remains the responsibility of the patrol unit to manage. If no detective is available, the patrol supervisor should consult with their chain of command to determine if a detective should be called in, or if other personnel and/or resources should be arranged.

Unless a crime scene or call for service is likely to require extensive investigatory effort or expertise, officers who formerly served as detectives, or who have equivalent training and experience, may be utilized as the lead investigator at the scene when a detective is unavailable.

600.22.2 ON-CALL INVESTIGATIVE SERVICES

The Support Services Lieutenant provides after-hours support for required investigations responses. Detectives are not in an "on-call" capacity unless required for an extraordinary circumstance(s). Preliminary investigations are completed on a 24/7 basis by officers assigned to patrol.

600.22.3 OUTSIDE AGENCY ASSISTANCE

The Department has a Memorandum of Agreement with the City of Orange and City of Irvine that defines operational responsibilities and working relationships between the three agencies for law enforcement investigations and operations in jurisdictions with shared statutory and legal authority.

Crimes involving homicide, officer involved shootings resulting in injury or death, or other such major crimes as requested by the UCIPD, the Orange or Irvine Police Departments may assume preliminary, primary, and follow-up investigative responsibility. In the above cases, UCIPD detectives will be assigned to assist OPD or IPD investigators and act as a liaison between the two agencies.

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600.23 COORDINATION WITH PATROL AND OTHER DEPARTMENT UNITS

To facilitate the exchange of critical information and strengthen the relationship between the Investigations Unit and the Patrol unit, detectives are expected to communicate and collaborate with officers and sergeants in the Patrol Unit. To help achieve this, detectives should:

- (a) Remind or update patrol staff about investigatory expectations as established or modified by the District Attorney's office.
- (b) Provide patrol teams with briefing training on new laws, court decisions, and other investigatory mandates and best practices.
- (c) Discuss local or regional crime trends, investigatory bulletins, and recommended crime prevention strategies.

If necessary, Detectives should also share relevant information with other department units such as Records & Communications, Public Safety, and the Administration Division.

600.24 TRAINING

All detectives shall be required to complete the POST-certified Criminal Investigator Core Course (Robert Presley Institute of Criminal Investigation, or ICI) within one year of appointment, and at least one ICI foundation specialty course within two years of appointment. Completion of the ICI Criminal Investigator's Certificate within three years. All detectives should complete at least 20 hours of POST-certified training on the topic of interview and interrogation prior to or within one year of appointment.

One or more detectives shall complete the training necessary to administer the mandatory sex offender registration process, and to investigate alleged violations of California sex offender registration laws.

All detectives assigned to investigate crimes involving sexual violence, domestic/relationship violence, and/or stalking shall complete training in the use of trauma-informed investigation and interviewing techniques.

All detective training should be selected and prioritized according to topics and content that coincides with department service needs and the detectives case load.

A detective assigned to the UCI Medical Center and the Irvine campus shall complete the Terrorism Liaison Officer (TLO) course and be designated as the TLO for their specific campus assignment.

600.25 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.25.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Detective Bureau supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11109.3, and Penal

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Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

600.25.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Detective Bureau supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Bureau for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Bureau Policy for additional guidance).

Sexual Assault Investigation

601.1 PURPOSE AND SCOPE

To outline a procedure to be followed by UC Irvine Police personnel when receiving information regarding sexual assault/ rape. This procedure is to provide you with a general guideline only. The circumstances, by the nature of such crimes, will vary from case to case. The points contained in this general order cover a very broad range of any investigation and there may be overlapping. The purpose of this overlapping is to act as a safeguard to prevent vital elements of the investigation from being overlooked or forgotten.

601.1.1 POLICY

The UCIPD will respond to all calls involving sexual assault/rape. Sexual assault crimes range from the fondling of a child to crimes of violence such as rape and sodomy. Victims of sexual assault face the threat of disease, unwanted pregnancy and long term emotional trauma. Remember that the actions of the first officer on the scene may have a vital impact on the future psychological well-being of the victim. Every effort should be made to relieve feelings of shame or guilt. The victim should be treated with the respect and professionalism that will aid her/him on the road to recovery and help to regain self-esteem. Be patient and non-judgmental.

601.2 DEFINITIONS

- (a) Rape: An act of sexual intercourse accomplished with a person not the spouse of the perpetrator, (1) where the person is incapable of giving consent, (2) where it is against a person's will by means of force or violence, (3) where the person is prevented from resisting by an intoxicating or anesthetic substance, (4) where the person is unconscious of the nature of the act.
- (b) Sodomy: Sexual conduct consisting of contact between the penis of one and anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.
- (c) Oral Copulation: The act of copulating the mouth of one person with the sexual organ or anus of another person.
- (d) Foreign Object: Substance, instrument, or device "" shall include any part of the body, except a sexual organ.
- (e) Unknown Object: Any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.

601.3 GENERAL PROVISION

It is the intent of the department that the official response to cases of sexual assault shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that sexual assault behavior is criminal and will not be tolerated.

Officers must consider not only the victim's physical injury, but the emotional trauma as well. A victim of sexual assault may appear calm or may express an entire range of emotions from anger

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Sexual Assault Investigation

to deep sorrow. Often a victim will have no physical injuries and act as if nothing happened. No matter what the outward appearance, a victim is likely to feel helpless and unable to cope. The suppressed emotional injury may be severe. This mental state is sometimes called "Rape Trauma Syndrome." As the name implies, it is most often associated with rape cases but the symptoms may be present in any type of sexual assault. Proper interviewing techniques will foster trust and encourage cooperation.

In 1992, Penal Code Section 293 was enacted to provide victims of sex crimes the right to privacy when completing a police report. Officers **must** inform all victims of sex crimes that their names will become a matter of public record unless the victim requests anonymity.

In Penal Code Section 679 there are several related subsections on the **Rights of Sex Assault Victims** that specify sexual assault victims have a right to have a counselor and a support person present during any physical exam and during any interview by police, district attorney and DA investigators or the defense. Victims are required to be notified of this right verbally or in writing prior to the exam or interview.

601.4 PROCEDURES

(a) Upon receipt of report:

1. Locate and identify the rape victim;
2. Obtain medical aid, if required
3. Verify rape or attempt;;
4. Take preliminary statement;
5. Call for backup or mutual aid;
6. Clear scene of on-lookers unless specifically requested to remain by victim.

(b) Summon additional aid:

1. Assign task, i.e., evidence collection, witness statements, victim transport, suspect arrest, evidence processing;
2. Secure scene gather evidence, preserve evidence and crime scene (advise victim not to wash body parts and collect clothing worn at time of rape);
3. Consider use of the Women's Resource Center, another officer, housing staff, or friend of the victim for assistance in interviewing and transportation
4. For Medical examination for rape: As a result of meetings between OC Sexual Assault Investigators and the OC DA's office, it was decided that standardization of the methods of collecting and preserving physical evidence from sexual assault cases is needed in OC. In order to achieve a higher percentage of prosecutable cases, better trained staff, greater efficiency and more consistency, it was decided to select one hospital in the county to conduct all sexual assault examinations for all police departments, and to create a contract for all participating agencies to adhere to. The hospital selected was:

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Anaheim Memorial Medical Center, The Safe Place

1111 West La Palma Ave. Anaheim, CA 92801

NOTE: Make the following calls before transporting to The Safe Place: Forensic Nurse Specialists at (562) 497-0147 and the Sexual Assault Hotline at (714) 957-2737.

5. Advise victim of right to have a counselor and a support person present during any physical exam and during any interview by the police, district attorney and DA investigators or the defense. Note: If good officer-victim rapport is established, have your back-up officer continue the investigation while you transport.

(c) Suspect:

1. If identity is known:

(a) Arrest if on scene/in area or seek an arrest warrant;

(b) If not immediately taken into custody, do not contact suspect prior to arrest for statement/interview if a warrant will be sought.

2. If immediately arrested, suspect shall be given an immediate physical examination (with or without his cooperation) to include:

(a) Photographs or general appearance;

(b) Photographs of any injuries or wounds (use a measuring device);

(c) Blood sample;

(d) Fingernail scrapings;

(e) Inspection of the genital area for hairs, semen, blood, etc;

(d) If identity is unknown:

1. Broadcast GB via control one to include the:

(a) Full physical description

(b) Vehicle and license plate number;

(c) Time of the incident;

(d) Clothing description;

(e) Weapon;

(f) Direction of travel/escape, and

(g) Any other information (note: Refer to section III. E)

(e) Make departmental call list;;

(f) Locate and identify witnesses and reporting parties.

1. Keep witnesses and reporting parties separated;

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2. Obtain a statement from all witnesses;
3. When possible, record all interviews.

601.5 INVESTIGATION

(a) Procedure and Personnel:

1. Attempt to maintain low profile during investigative procedures to minimize panic, rumors, etc., among dormitory residents, campus population and to prevent adverse publicity to the University;
2. Utilize detective personnel if appropriate;
3. Attempt to control the number of personnel involved as much as possible.

(b) Victim Interview:

1. Elicit cooperation and record the interview when possible;
2. Consider having another female present during interview (i.e. CARE Advocate).

(a) Keep in mind that the officer must control and conduct the interview.

3. Be sympathetic and understanding.
4. Establish the elements of the crime.

(a) Penetration;

(b) Force or fear, etc.

5. Identify suspect and confirm the original description.
6. Advise the victim as soon as possible, if under 18 years of age, that University regulations require that parents of victims of violent crimes must be notified with or without permission or consent of the victim.
7. Review statement and explain the criminal justice process for presenting the case to the District Attorney's Office for prosecution..
8. Insure process of rape kit and importance to investigation if victim has not complied by this time.
9. Provide the victim with a "Victim Resource Guide" brochure.
10. Inform victim that their name will become public record unless they (victim) requests anonymity. Have the victim sign the "Victim's Name and Address Deletion Form" electing or declining confidentiality.

(c) Obtain additional witness statements, as applicable;

(d) If suspect identity unknown arrange for a composite sketch ASAP;

(e) Obtain search warrant/arrest warrant, if required.

1. Expedite execution;
2. Ensure warrant return.

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(f) Suspect Arrest.

1. Mirandize and execute signed waiver

2. Interview

(a) Record and book tape as evidence. Transcribe the tape

(b) Book into Orange County Jail - If circumstances indicate, remember that the booking officer may petition the judge to increase the amount of bail

(c) Complete a supplementary report of the interview.

601.6 FOLLOW-UP

(a) Retrieve evidence from the Crime Lab;

(b) Disseminate.

1. Notify campus community via crime alert of the sexual assault pursuant to CLERY policy. Consider including a composite sketch to on campus site. 2. Provide sketch to local law enforcement agencies..

(c) File complaint with District Attorney's (D.A.) office.

1. Meet with the D.A. to review the case 2. Conduct any follow up investigation requested by D.A. 3. Keep D.A. abreast of the investigation via supplemental reports

(d) Keep in contact with the victim(s)

1. Provide necessary safe guards both campus housing and in classes 2. If victim unlawfully contacted by suspect file against him under 136PC.

(e) If arrest is made or after complaint filed.

1. Prepare self for trial by review of reports and be knowledgeable of applicable Penal Code sections 2. Assure that the chain-of-custody of all evidence is maintained 3. Meet with D.A. prior to trial to prepare for and review presentation.

601.7 ANONYMOUS REPORTS OF SEXUAL ASSAULTS

If officers receive information of a sexual assault and the information is received from a person who wants to remain anonymous, officers should make a reasonable attempt to identify the victim of the sexual assault. If officers are unable to identify the victim of the sexual assault, officers will take a crime report and document all pertinent information about the sexual assault including the identification of the suspect(s) involved in the sexual assault.

All reports of a sexual assault will be documented in a police crime report and Watch Commanders will be immediately notified when officers receive information about a sexual assault.

All sexual assault reports will be reviewed by Detectives and further attempts will be made by Detectives to identify the anonymous victim of the sexual assault.

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601.8 CAMPUS MANAGEMENT TEAM (CMT) ACTIVATION

Whenever UCIPD personnel document an act of sexual violence (including rape, sexual assault, sexual battery or sexual coercion), domestic violence, dating violence or stalking involving a student as a victim or potential suspect, the assigned UCIPD Detective will activate the Campus Management Team (CMT) as soon as possible. The Campus Management Team includes the following UC Irvine departments:

- UC Irvine Police Department Detective Unit
- Office of Student Conduct
- Campus Assault Resources and Education Office (CARE)
- Office of Equal Opportunity and Diversity (Title IX Officer)
- [Campus Legal Counsel](#)

CMT will have the following responsibilities:

1. Take prompt and effective steps to end the violence and prevent its recurrence.
2. Protect the complainant as necessary, including determining what interim steps must be taken prior to the outcome of the investigation (e.g., "no contact" order, emergency protective order, etc.).
3. Address the effects of the reported violence including academic or residential issues and provide campus resources to the complaining person or other involved parties as appropriate.
4. Initiate immediate action to investigate the complaint either criminally, administratively or both. The Office of Student Conduct has additional responsibilities including providing a grievance procedure for students to file complaints of sexual discrimination including sexual violence. The procedures will provide an equal opportunity for both parties to present witnesses and other evidence and to have the same appeal rights. The Office of Student Conduct uses a preponderance of the evidence standard and will notify both parties of the outcome of the administrative or Student Conduct investigation.

601.9 RESTRICTED REPORTING OF SEXUAL ASSAULTS

If officers receive information of a sexual assault and the information is received from a person who is uncertain if they want to report the incident to the police, officers will take a crime report. Officers will document all pertinent information they can obtain about the sexual assault and attempt to identify the suspect(s).

Additionally, officers should explain to the victim of the sexual assault their rights with regards to victim confidentiality. If a victim of a sexual assault indicates to the officer they do not want to provide complete details of the sexual assault or they withhold information as to their identity, officers will identify the victim as a confidential victim in the crime report.

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All sexual assault reports will be reviewed by Detectives and follow up contact will be made with the victim, by Detectives, to determine if the victim is willing to provide additional information about the sexual assault.

601.10 REPORTING SEXUAL ASSAULT TYPE/CIRCUMSTANCES

1. Unreported sexual assault that occurred on UCI property
 - (a) **Type of Report**

Crime report with full investigation as appropriate. Consider calling Detectives if just occurred. Offer resources (UCIPD Resource Guide). Sgt or Cpl will send CMT notice
2. Unreported sexual assault that occurred on UCI property but victim is not desirous of prosecution or investigation
 - (a) **Type of Report**

Crime report with as much of a statement you can get from the victim or witnesses. Attempt to ID the suspect. Offer resources (UCIPD Resource Guide). Sgt or Cpl will send CMT notice.
3. Unreported sexual assault that occurred in an unknown jurisdiction (e.g. victim was intoxicated and does not know where the assault occurred)
 - (a) **Type of Report**

Crime report with full investigation as appropriate. Consider calling Detectives if just occurred. Offer resources (UCIPD Resource Guide). Sgt or Cpl will send CMT notice.
4. Unreported sexual assault that occurred in outside jurisdiction
 - (a) **Type of Report**

Contact jurisdiction of occurrence and confirm no report had been taken previously. Request they respond for report if possible. If outside jurisdiction is too far away or will not respond, take a Courtesy Report with as much investigation as requested by outside jurisdiction. Prior to interviewing the victim, contact outside jurisdiction (Detective Bureau or W/C) and ask them how in depth of an investigation they would like us to complete. Offer resources (UCIPD Resource Guide). Sgt or Cpl will send CMT notice.
5. Previously reported sexual assault that occurred in outside jurisdiction (e.g. Student Health Center calls regarding a student who reported they had been assaulted X number of years ago)
 - (a) **Type of Report**

Contact outside jurisdiction and confirm the crime was previously reported. If so, DO NOT interview the victim regarding the assault. Offer resources (UCIPD Resource Guide) and provide an Incident Number. Note in the incident log that the assault had been previously reported and that resources were given to the victim. Sgt or Cpl will send CMT notice.

Informants

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the University of California Irvine Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the University of California Irvine Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

602.2 POLICY

The University of California Irvine Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

602.3 USE OF INFORMANTS

602.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

602.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Chief of Police or the authorized designee

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602.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

602.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Lieutenant, Detective Bureau supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the University of California Irvine Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Detective Bureau supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Detective Bureau supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

602.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a

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determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

Asset Forfeiture

603.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the University of California Irvine Police Department seizes property for forfeiture or when the University of California Irvine Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Health and Safety Code § 11470; Health and Safety Code § 11470.1):
 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
 - 1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
 - 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

603.2 POLICY

The University of California Irvine Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the University of California Irvine Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

603.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

603.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
 - 1. The property subject to forfeiture is legally seized incident to an arrest.
 - 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

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A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

603.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

603.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real

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estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

603.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

603.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

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1. Names and contact information for all relevant persons and law enforcement officers involved.
 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 3. A space for the signature of the person from whom cash or property is being seized.
 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
 4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

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- (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
- (k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).
- (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).
- (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and University financial directives (Health and Safety Code § 11495).

603.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

603.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the University of California Irvine Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

603.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification

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of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

Warrant Service

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

604.2 POLICY

It is the policy of the University of California Irvine Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

604.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

604.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

604.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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604.6 WARRANT PREPARATION

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

604.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed and, based on known risks and/or threats whether or not an outside agency's Special Weapons and Tactics (SWAT) team should be utilized for the initial entry. In all pre-planned events, the use of a SWAT team shall be approved by the Chief of Police or his/her designee prior to their use.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not create unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio-and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

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604.7.1 NO-KNOCK WARRANT SERVICE

This department does not authorize the use of no-knock warrants by any UC Irvine employed police officers. A no-knock warrant is a search and/or arrest warrant authorizing police officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the premises. UCIPD officers shall first knock and announce their presence or purpose prior to entering a premises in the execution of any warrant service.

Should a high-risk search and/or arrest warrant require the potential use of a no-knock method of service, the Chief of Police will be notified who will assess the situation and provide an authorized course of action in serving the warrant.

604.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

604.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

604.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other

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agency. The director should ensure that members of the University of California Irvine Police Department are utilized appropriately. Any concerns regarding the requested use of the University of California Irvine Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the alternate operations director should assume this role.

If officers intend to serve a warrant outside University of California Irvine Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the University of California Irvine Police Department when assisting outside agencies or serving a warrant outside the University of California Irvine Police Department jurisdiction.

604.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

604.12 COURT ORDERS FOR STUDENT RECORDS

It may become necessary to obtain student records during a criminal investigation. The Family Educational Rights and Privacy Act (FERPA) places restrictions on the release of certain student records. UCIPD may obtain a court order which would require an educational institution to release confidential records. The institution is required to make a reasonable effort to notify the student prior to releasing records, unless the court order explicitly prohibits the disclosure. Investigating officers should be aware of this requirement and seek appropriate orders in the event that a disclosure would compromise a criminal investigation (34 CFR section 99.31(a)(9)(ii)).

604.13 TRAINING

The Training Manager should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the University of California Irvine Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The University of California Irvine Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the University of California Irvine Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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605.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Eyewitness Identification

606.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

606.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

606.2 POLICY

The University of California Irvine Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

606.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

606.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

606.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

606.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

606.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

606.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

606.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

606.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

606.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be

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used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

Operations Planning and Deconfliction

607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

607.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

607.2 POLICY

It is the policy of the University of California Irvine Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 OPERATIONS DIRECTOR

The Chief of Police has designated the Operations Lieutenant as the primary Operations Director and the Services Lieutenant as the Alternate Operations Director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 RISK ASSESSMENT

607.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

607.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

607.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. (Irvine PD SWAT)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation
 - 7. Additional surveillance

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8. Canines
 9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

607.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The lead officer will contact LA CLEAR Intelligence and Deconfliction Watch Center as early as possible in the workup of a standard search warrant service or a high-risk operation. In no case, will a search warrant be served or high-risk operation be undertaken without first contacting LA CLEAR for deconfliction. The only exception would be an immediate action operation such as an active shooter or crime in progress that necessitates an emergency response.

As additional information is received, the lead officer is also responsible for updating LA CLEAR officials both prior to and following any operations.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

607.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present,

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- information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing, and approving reports.

607.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately along with any search warrant for the operations and shall be retained in locked file in the detective bureau. These documents shall be maintained in accordance with the established records retention schedule.

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607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing shall include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 1. It is the responsibility of the operations director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

607.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

607.10 TRAINING

The Training Manager should ensure officers and team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Chapter 7 - Support Services

Communications Center

700.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

700.2 POLICY

It is the policy of the University of California Irvine Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Communications Center and department members in the field.

700.3 THE COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority.

Access to the Communications Center shall be limited to the Communications Center members, the Watch Commander, command staff and department members with a specific business-related purpose.

700.4 RESPONSIBILITIES

700.4.1 COMMUNICATIONS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Administrative Director.

The responsibilities of the Communications Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of the Communications Center information for release.
- (f) Maintaining the Communications Center database systems.
- (g) Maintaining and updating the Communications Center procedures manual.
 - (a) Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

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- (b) Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of Police Department and University personnel to be notified in the event of a utility service emergency.

700.4.2 DISPATCHERS

Dispatchers report to the Communications Supervisor, however given the twenty-four hour operations of the Communications Center and the Police Department, when the Communications Supervisor is off-duty or unavailable, the on-duty Watch Commander is the de-facto supervisor over the Communications Center and the on-duty Dispatchers. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 1. Emergency 9-1-1 lines.
 2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (f) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (g) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (h) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:

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- (a) Vehicle pursuits.
- (b) Foot pursuits.
- (c) Assignment of emergency response.
- (d) Routing citizen complaints/concerns to the on-duty Watch Commander.

700.5 CALL HANDLING

The UC Irvine Police Department's communication system utilizes a California State authorized 9-1-1 computerized phone system. The system is designed with:

- two (2) 9-1-1 trunks;
- seven (7) administrative/non-emergency campus lines;
- two (2) administrative/non-emergency medical center lines and;
- one (1) ring down line to the Orange Police Department.

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers shall provide callers with other information and/or service referrals upon request (e.g. emergency food & shelter resources, outside agencies, community services, University units / resources, hospitals, etc.). Callers with serious, urgent or extensive need for this type

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of assistance should be offered the opportunity to speak directly with a peace officer (or other qualified department members) whether by telephone or in-person. If no officer or qualified department member is immediately available, the dispatcher shall provide the caller with the name of an appropriate department member and their telephone number (and/or email address), and forward the call to that voicemail, if one exists.

Dispatchers should be courteous, patient and respectful when dealing with the public.

Dispatchers shall advise the caller of the department's response, which may include a direct response and/or referral to another agency.

700.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

Upon receipt of a hang-up emergency call from a location outside UCIPD's primary jurisdiction, the call shall be promptly forwarded or reported to the agency having primary jurisdiction at that location. If that location is within UCIPD's routine patrol area, the following procedures will be followed:

1. **Call Back**

The call taker will attempt to call back a wireless telephone when a 9-1-1 call is routed to the PSAP and the call disconnects before personnel can determine if assistance is needed. Personnel will call the number back once to make this determination. If the wireless phone is busy or there is no answer, additional attempts to contact the caller will not be made by communications personnel. If the callback attempt goes to voice mail, no message will be left.
2. **Indicated Emergency**

Any evidence of an emergency situation requires that communications personnel initiate efforts to re-contact the caller to determine the nature of the incident and an accurate location for an appropriate response. If attempts to contact the caller are unsuccessful, a call for service will be initiated and an officer will be dispatched. Extraordinary attempts to locate a Phase I or II wireless 9-1-1 disconnect caller will only be made in the instance where an emergency is clearly indicated. Extraordinary attempts include (but may not be limited to) contacting the wireless service provider (WSP) of the target number for subscriber information and possible ping on the phone.
3. **Contact**

If contact is made with the caller, communications personnel will follow established call-handling procedures to determine whether a response is necessary. This includes using RIMS Map to plot call coordinates and dispatch any necessary response.

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4. Silent calls

In compliance with Public Law 101-336, also known as the Americans with Disabilities Act, all silent calls will be connected to a TDD/TTY to determine if the caller is attempting to report an emergency using a special communications device for hearing impaired individuals.

700.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

In the event that a call for service is holding for more than 15 minutes, the Dispatcher shall notify the on-duty Watch Commander. The Watch Commander will determine if the call will continue to be held or whether or not to reallocate resources to handle the call.

700.5.3 MISDIRECTED CALLS

1. Misdirected 9-1-1 Calls

Dispatchers shall transfer police, fire, or emergency medical service calls involving incidents occurring outside of UC Irvine's jurisdiction to the appropriate agency. These calls shall be routed to the appropriate agency via the 9-1-1 direct connect option on the telephone unit whenever possible. The Dispatcher must remain on the line to make sure the transfer is complete, identify themselves transferring the call, and provide any circumstances if possible. Dispatchers can do this by pressing the appropriate direct dial transfer button on the phone system. This is only available for the programmed agencies listed on the 9-1-1 page. If the agency needed is not listed, then the Dispatchers will obtain as much information needed and relay the information to the appropriate agency or transfer the call to the local jurisdiction by manually dialing the agency's emergency number.

2. Handling Misdirected Emergency Calls

It is not uncommon for an emergency service agency such as the UC Irvine Police Department to receive misdirected emergency calls. When this occurs, the Dispatchers must try to aid the caller in getting the proper response for the incident. Dispatchers must obtain the necessary information from the caller and immediately forward the information to the proper agency. Dispatchers must remember that whenever possible it is preferable to transfer the caller to the primary jurisdictional agency.

3. When the agency receives a misdirected non-emergency call, the Dispatcher will provide the caller with the telephone number of the appropriate agency. Certain situations may require the Dispatcher to take the information and forward it to the appropriate agency or transfer the caller to the appropriate agency.

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700.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

700.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

University of California Irvine Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements. Dispatchers may view FCC rules and regulations from the computer in the Communications Center. The current FCC rules and regulations may be viewed at the following link: [FCC Rules and Regulations](#)

700.6.2 COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM (CCCS)

The University of California Irvine Police Department radio operations shall be conducted in accordance with the Standard Operating Procedures (SOP) of the CCCS. Dispatchers and Police Officers, and other Police Department users shall review the SOP's and ensure they are familiar with the operation of communications equipment assigned to them or that they utilize in the normal course of their daily work.

700.6.3 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, including uniformed patrol assignment, detectives and special events, and/or member identification number such as Medical Center PSR's and PSA's, CSA's, and department ranks including Chief, Assistant Chief, Lieutenant, Sergeant and Emergency Management (EM). Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign.

Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name

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or number (11). Complete radio identifications consist of the station number (11), followed by an identifier and either the employee's badge number (last two numbers) or their designated number. or or call signs are as follows:

ALPHA	Irvine Campus patrol officers
MIKE	Medical Center patrol officer
DELTA	All Detectives
SAM	All UCI Sergeants (Sam 1-12)
LINCOLN	All UCI Lieutenants (Lincoln 1-3)
CHARLIE	Chief (11-Charlie-1) and Assistant Chief (11-Charlie-2)
ECHO	Special Events
K	K9 Officers
CSA	Community Safety Ambassadors
OSCAR	Medical Center Public Safety Responders and Ambassadors
INDIA	Campus Public Safety Responders
EM	Emergency Management Director (EM-1) and Business Continuity Analyst (EM-2)

Examples:

Chief	11-Charlie-1
Assistant Chief	11-Charlie-2
Lieutenants	11-Lincoln-1, 11-Lincoln-2, or 11-Lincoln-3
Sergeants	11-Sam-1 (through 11-Sam-12)
Patrol Officer Badges 925 (Irvine Campus)	11-Alpha-25
Patrol Officer Badges 925 (Med Center)	11-Mike-25
K9 Officer	11-K1 & 11-K2
Detective Badges 925	11-Delta-25
Special Event Officer Badge 925	11-Echo-25
Emergency Management Director	11-EM-1
Business Continuity Analyst	11-EM-2
Public Safety Responders /Ambassadors	11-MC
CSA	
Medical Center Public Safety Responders	Oscar-15
Medical Center Ambassadors	Oscar-66
Campus Public Safety Responders	India-30

700.6.4 IRVINE AND ORANGE COUNTY COMPLETE CCCS SYSTEM FAILURE

When no radio communication is possible via the radio system, the following shall apply:

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- (a) Patrol Supervisor Responsibilities - Respond to the station and coordinate with police dispatch for any dispatch or communication needs. The supervisor will then relay information to/from officers. The supervisor shall notify the operations lieutenant.
- (b) Officer Responsibilities - Respond to the station and receive/relay information to the supervisor.
- (c) Dispatch Responsibilities - Notify Orange County Communications of the failure and get a time estimate for the repair.

700.6.5 SAFETY STATUS CHECKS

The purpose of a dispatch safety check is to obtain the current status of the field unit(s). The Computer-Aided Dispatch System (CAD) will automatically activate a safety check, after a preset time-period, for field units on certain incidents, including officer-initiated activity (i.e. vehicle stops, and pedestrian checks).

The dispatcher may override the safety check and reset the safety check prompt for a specific time.

When the safety check is due, the dispatcher shall attempt unit contact. If there is no response from the officer/member, the dispatcher shall again attempt unit contact. Failure of the unit to respond following a second attempt shall cause the dispatcher to dispatch a backup unit to the officer/member's location immediately. All known circumstances concerning the unit's location and activity shall be included when dispatching the backup unit.

The dispatcher shall make the watch commander aware and follow their direction. If available, the dispatcher shall also make the communications supervisor aware of the situation. The dispatcher shall periodically attempt to raise the unit until contact with them has been re-established.

Once a unit responds to a safety check with "Code 4," no further safety checks will be given unless requested.

Dispatchers shall safety check a unit at the request of another unit or supervisor.

Safety checks may be halted when the radio channel is on emergency traffic unless directed to be continued by the by the communications supervisor or the watch commander.

700.6.6 IMMEDIATE PLAY-BACK SYSTEM

The Communications Center has three individual services that provide instant playback of recorded phone lines or radio. The E9-1-1 system is equipped with an instant playback feature for all phone lines operating on the phone system.

The radio system is also equipped with an instant retrieval feature for the single source selected radio audio at each individual position. This solution allows the instant retrieval for all recorded audio from all phone positions and all recorded radio channels or talk groups.

- (a) The recordings are maintained and stored in the local recording system for up to one (1) year.
- (b) The recordings are stored on a secure server with username and password authentication. The Dispatch Supervisor and the Lead Dispatchers are authorized to access audio recordings for processing of authorized requestors. Authorized

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requestors include all sworn personnel at the rank of Sergeant or above, Director of Administration, and the Court Liaison. All other requests must be approved by the Director of Administration.

Requests made by the District Attorney's office for a case within their jurisdiction is processed after the written request is received. These calls are tagged in the system and copied onto a CD/DVD for storage as evidence to the case. A copy of the CD/DVD is provided to the District Attorney's office in Orange County.

- (c) Outside requests related to a Public Records Act shall be reviewed authorized by Support Services Lieutenant or the Assistant Chief of Police before any action is taken.

700.7 DOCUMENTATION

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

700.8 CONFIDENTIALITY

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

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700.9 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510). The Communications Supervisor is responsible for the department CLETS compliance and training.

700.9.1 TRAINING PROGRAM

All dispatcher trainees will undergo initial eight hour orientation. Following orientation, they will train on a one-to-one basis with a POST certified communications training officer. Training will follow the approved communications officer training manual.

The purpose of the training program is to assist a trainee in becoming a competent dispatcher with consistently satisfactory performance.

Following the completion of the communications officer training program, newly designated dispatchers should be able to assume a shift with minimal supervision. Prior to the completion of probation, a probationary dispatcher must meet all competencies identified in the communications officer training manual.

700.9.2 TRAINING PROGRAM SUPERVISOR

The Dispatch Supervisor is the designated communications training program manager and possesses the authority and responsibility to effectively manage the training program.

700.9.3 COMMUNICATIONS TRAINING OFFICER SELECTION

The communications training officer (CTO/Lead Dispatcher) is an experienced dispatcher certified in training and evaluating entry level dispatchers. CTOs will be selected based on the following requirements:

- (a) Desire to be a CTO.
- (b) Demonstrated ability to be a positive role model.
- (c) Participate and pass an application and interview process.

700.9.4 COMMUNICATIONS TRAINING OFFICER RESPONSIBILITIES

The communications training officer (CTO) is responsible for following the training program and ensuring that trainees are exposed to the various requirements of the training program.

CTOs will provide thorough instruction, and re-training if necessary, on the various skills, knowledge, and abilities required to be a solo dispatcher. CTOs will provide immediate and daily feedback to trainees and keep the Dispatch Supervisor informed of the trainee's progress.

CTOs and the Dispatch Supervisor will collaborate on re-training as needed for all trainees and take part in determining the retention or release of probationary dispatchers (Note: probationary period is one year).

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700.9.5 EVALUATIONS

Trainees will receive detailed daily and end-of-phase evaluations that will address their performance. Each phase contains areas of performance and knowledge that are demonstrated or reviewed by the CTO with the trainee. The trainee is then expected to demonstrate the task or knowledge. The CTO shall ensure that each of these areas within the phase they have a trainee are signed off before the end of the phase and the trainee moves on to the next phase.

700.9.6 TRAINEE

At the completion of the training program, all trainees will have an opportunity to provide feedback and evaluation of their training experience to the Dispatch Supervisor. The intent is to provide input to the training program, from a trainee's perspective, on what areas of the program can be improved upon.

Computers and Digital Evidence

701.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

701.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.

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4. If it can be determined, how it was being used.
 - (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

701.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

701.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

701.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

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- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

701.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

701.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

701.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

701.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.
- (b) Officers will upload all digital media directly into RIMS.
- (c) Any media that cannot be uploaded directly into RIMS (due to constraints of the system) shall be placed on a data disk and booked into property/evidence. The data disk shall be marked with the case number and "original" when booked.
- (d) Once the digital media is uploaded or booked into property/evidence, all data will be deleted from memory cards or media files on the devices used to capture the evidence.
- (e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

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701.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media directly into RIMS.

701.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Jeanne Clery Campus Security Act (Clery Act)

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure UCI Police Department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable and related California Education Code requirements.

702.2 POLICY

The UCI Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously. Police reports will be accepted in any manner, including in person or in writing, at any UCI Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website. Additionally, depending on the nature of the report and the reporting party, certain reports may be made confidentially, in compliance with applicable law.

It is the policy of the UCI Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the UCI Police Department and the administration and staff 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.

702.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police or designee will:

1. Ensure that the UCI Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures;
2. Enter into Memorandum of Agreements as appropriate with local law enforcement agencies to: Identify roles in the investigation of alleged criminal offenses on campus. This includes identification of the responsibilities for Part 1 violent crime investigations and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381); Notify the UCI 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 (i.e. Timely Warning Notifications). Such disseminated information shall withhold the names of victims as confidential.
3. Request Clery Act crime statistic information from local law enforcement agencies and other outside law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act;
4. 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 (i.e. Emergency Notifications);

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Jeanne Clery Campus Security Act (Clery Act)

5. Assist in the monitoring and reporting of criminal activity at off-campus student organization locations (that are designated as "non-campus building and property" locations) that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities;
6. 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.
7. Develop programs to inform students and employees about the prevention of crime.
8. Assist the office of Equal Opportunity and Diversity (OEOD) and the Campus Assault Resources and Education (CARE) office as needed with educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported. UCI Police Department provides written materials to reporting persons that explains the rights and options provided for under 20 USC § 1092.
9. Develop procedures in conjunction with UCI Student Housing and American Campus Communities (ACC) Student Housing to coordinate procedures to provide appropriate notifications to institution staff and others regarding missing person; see policy 323.

702.3.1 ADDITIONAL REQUIREMENTS

The Chief of Police or the authorized designee will also (Education Code § 67386):

- (a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence and stalking involving a student whether it occurred on- or off-campus including:
 1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
 2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications and participation by victim advocates and other supporting individuals.
- (b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence and stalking cases.
- (c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.
- (d) Ensure that any reported Part 1 violent crime, sexual assault or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the University of California Irvine Police Department or the institution (Education Code § 67380).

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1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have his/her personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees or the institution, and the immediate assistance of the University of California Irvine Police Department is necessary to contact or detain the assailant (Education Code § 67380).
2. If the institution discloses the identity of the alleged assailant to the University of California Irvine Police Department, the institution must immediately inform the victim of that disclosure (Education Code § 67380).

702.4 RECORDS COLLECTION AND RETENTION

The Clery Act Compliance Manager is responsible for maintaining University of California Irvine Police Clery Act crime 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); 34 CFR 668.46(c)):
 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
 10. Dating violence, domestic violence and stalking
- (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, gender, gender identity, 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); 34 CFR 668.46(c)).

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1. The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
 - (a) On campus.
 - (b) In or on a non-campus building or property.
 - (c) On public property.
 - (d) In dormitories or other on-campus, residential or student facilities.
- (c) Statistics will be included by the calendar year in which the crime was reported to the University of California Irvine Police Department (34 CFR 668.46(c)(3)).
- (d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (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)).

702.4.1 DAILY CRIME AND FIRE LOG

The Clery Act Compliance Program Manager Records Analyst is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime and fire log will record all crimes reported and all fire incidents reported to the University of California Irvine Police Department, including the nature, date, time and general location of each crime/fire, 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 department or security department.
- (d) The daily crime and fire 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.

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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, may cause a suspect to flee or evade detection, or 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.

702.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records Analyst is responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

- (a) All occurrences reported to the UCI Police Department and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
- (b) All occurrences of noncriminal acts of hate violence reported to the UCI Police Department for which a written report is prepared.

702.5 INFORMATION DISSEMINATION

It is the responsibility of the Chief of Police or designee to ensure that the required Clery Act notification disclosures are properly issued to the UCI and UCI Medical Center campus communities in accordance with institutional procedures set forth in UCI Police Department Policy 359, Immediate Notifications ("zotALERTS") and Timely Warnings ("Crime Alerts"). This includes:

- (a) Procedures for providing emergency notification about emergencies or other dangerous situations that might represent an immediate threat to the safety of students or employees occurring on the UCI campus or UCI Medical Center campus.
- (b) Procedures for notifying the campus community about Clery Act crimes considered to represent a serious or continuing threat to students and employees in order to aid in the prevention of similar crimes. Such disseminated information will withhold the names of victims as confidential.
- (c) Information necessary for the institution to prepare its Annual Security Report. This report will include, but not limited to, the following:
 - (a) Crime statistics and the policies for preparing the crime statistics;
 - (b) Crime and emergency reporting procedures, including the responses to such reports;
 - (c) Policies concerning security of and access to campus facilities;
 - (d) Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including procedures victims should follow, procedures for protecting the confidentiality of victims and other necessary parties, and other required information;
 - (e) Enforcement policies related to alcohol and illegal drugs;
 - (f) Locations where the campus community can obtain information about registered sex offenders;
 - (g) Emergency response and evacuation procedures;

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- (h) Missing student notification procedures;
- (i) Information addressing the jurisdiction and authority of UCI Police Department and UCI Medical Center Security Department including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies;
- (j) Other required Clery Act information.

Records Maintenance and Release

703.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

703.2 POLICY

The University of California Irvine Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

703.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police designates the Assistant Chief as the Custodian of Records and the Support Services Lieutenant as the alternate Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (b) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (c) Establishing rules regarding the processing of subpoenas for the production of records.
- (d) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (e) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (f) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (g) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

703.3.1 DIRECTOR OF ADMINISTRATION RESPONSIBILITIES

The Chief of Police designates the Director of Administration the following Custodian of Record Duties that include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

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- (b) Maintaining and updating the department records retention schedule following the University of California retention schedule and policy including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department division responsible for the original record.
- (c) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).

703.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

703.4.1 REQUESTS FOR RECORDS

Any member of the public, including parents, students, staff, faculty, the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - (a) When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 - (b) If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

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- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

703.5 DISSEMINATION OF POLICE REPORTS AND OPERATIONAL RECORDS

The Director of Administration, working in coordination with the Custodian of Records, is responsible to maintain a record of all requests for and distribution of police reports and other operational records.

The Director of Administration and the Custodian of Records, or the Alternate Custodian of Records should ensure that all records released meet the legal requirements for release and/or are considered public records.

703.5.1 CAMPUS UNITS AND OFFICIALS

Certain police reports may be forwarded via the Advocate software system or reviewed by UC Irvine campus units or officials without the completion of a signed and written request, when in compliance with other relevant portions of this policy, and once redacted as necessary and appropriate. This includes:

- (a) Fire Marshal - reports involving unauthorized or unsafe fires on campus property
- (b) Environmental Health & Safety - reports involving possible laboratory, workplace, or foodservice safety deficiencies, and environmental protection deficiencies
- (c) Office for Equal Opportunity and Diversity (OEOD) - reports involving potential UC Irvine SVSH and/or Title IX violations
- (d) Housing - reports involving alleged misconduct by housing residents, and residence hall safety/security deficiencies
- (e) Academic Integrity & Student Conduct - reports involving alleged violations of the Code of Student Conduct
- (f) Human Resources - reports involving alleged violations of campus policy by staff

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- (g) Risk Services - reports involving concerns for University premise liability

703.5.2 OUTSIDE AGENCIES

Requests for police reports or operational records by outside law enforcement agencies may be made by submitting a request on department letterhead

703.5.3 INSURANCE COMPANIES AND BACKGROUND INVESTIGATORS

Insurance companies, agencies, and businesses conducting background investigations may request records through the UCI police department website or in writing via US mail, email, or fax. Approval for the distribution of police reports may only be made upon verification of the recipient's need and right to access the information requested. Background investigators must provide a notarized waiver from the applicant with their request and prior to the release of any information.

703.6 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying

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- or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
 - (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
 - (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the General Counsel, or the courts pursuant to Penal Code § 1054.5.
 - (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
 - (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
 - (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
 - (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
 - (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
 - (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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- (n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

703.7 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, General Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

703.8 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

703.9 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Analyst shall ensure that the required notations on local summary criminal history information and police investigative

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reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

703.9.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Analyst should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

703.10 SECURITY BREACHES

The Records Analyst shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
 - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
 - 3. Medical information
 - 4. Health insurance information
 - 5. Information or data collected by Automated License Plate Reader (ALPR) technology
 - 6. Unique biometric data
 - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

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703.10.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
 - 1. The date of the notice.
 - 2. Name and contact information for the University of California Irvine Police Department.
 - 3. A list of the types of personal information that were or are reasonably believed to have been acquired.
 - 4. The estimated date or date range within which the security breach occurred.
 - 5. Whether the notification was delayed as a result of a law enforcement investigation.
 - 6. A general description of the security breach.
 - 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the University of California Irvine Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
 - 1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 - 2. When the breach involves an email address that was furnished by the University of California Irvine Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

703.10.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 - 1. Written notice.
 - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

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3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Department has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
 - (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

703.11 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

703.11.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

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703.11.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

703.11.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

703.11.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

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- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

Protected Information

704.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the University of California Irvine Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the University of California Irvine Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

704.2 POLICY

Members of the University of California Irvine Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

704.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information (Communications Supervisor).

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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704.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, University of California Irvine Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

704.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

704.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Analyst for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

704.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

704.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

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In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

704.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

704.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

704.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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704.8 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

Restoration of Firearm Serial Numbers

705.1 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.

705.2 PROCEDURE

Any firearm coming into the possession of the University of California Irvine Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

705.2.1 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.

705.2.2 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.

705.2.3 OFFICER RESPONSIBILITY

The Property Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

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705.2.4 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.

705.2.5 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.

705.3 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.

Property and Evidence

706.1 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 identifies those persons authorized to remove and/or destroy property.

706.2 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.

706.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly entered into the RiMS reporting system, tagged with a property barcode label, and placed in the designated property locker or storage room. 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 RiMS property entry must be completed to document the release of property not booked and the owner shall sign the release form acknowledging receipt of the items.

706.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the RiMS electronic property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

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- (c) Print an evidence/property barcode label and attach it to each package or envelope in which the property is stored. If multiple items are stored in a single package, each item must have an individual barcode label.
- (d) The container used to book property (box, bag, envelope, etc.) must have the case number, item number, and officer initials written on the outside of the container.
- (e) In the event that a barcode label will not print, the booking officer will print the RiMS property form. This form will be stapled to the outside of the container before placing items into a booking locker. This procedure will also apply when a label will not stick to large property.
- (f) When the property is too large to be placed in a locker, the item may be retained in the external property storage containers. The Property and Evidence custodian will verify that the item has been booked into the external property storage containers.. Submit the completed property record into a numbered locker indicating the location of the property.

706.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record and property barcode label. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall fill out the electronic RiMS property form and book the items into a booking locker. Narcotics and dangerous drugs must be packaged in white envelopes.

706.3.3 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.

706.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property Officer, or placed in the designated container for

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return to the Department of Motor Vehicles. No formal property booking process is required.

- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Officer, or placed in the bicycle storage area until a Property Officer can log the property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

University property, unless connected to a known criminal case, should be released directly to the appropriate University 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.

706.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property Officer shall ensure the Records Analyst is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

706.3.6 BIOLOGICAL FLUIDS (DRY)

- 1. Biological fluids, such as suspected blood or semen that has dried on a property item which can be easily transported, should be placed in a department supplied paper evidence bag with a "Biohazard" sticker placed near the property label.
- 2. Dried biological fluids on an object which is too large, heavy or awkward to transport should be handled in the following way:
 - (a) The location of the biological fluid should be photographed prior to removal.

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- (b) Use a department supplied Surface DNA kit and follow the instructions on the kit. Under no circumstances should two (2) sets of swabs be placed in the same 9x12 envelope unless they are buccal swabs from the same person.

706.3.7 BIOLOGICAL FLUIDS (WET)

1. Biological fluids, such as blood and urine, collected as part of a Sexual Assault Kit shall be placed in the evidentiary booking room's refrigerated storage as soon as possible.
2. A sample of suspected biological fluid shall be collected through the use of sterile cotton swabs.
3. Suspected biological fluids will not be removed from clothing. The entire item should be packaged once it has dried.
4. Wet or damp biological fluids on items should be thoroughly dried, away from sunlight or artificial heat, before packaging. To accomplish this, officers shall place the item temporarily in an evidence locker to dry and maintain custody of the key to the locker until such time the item is dried and can be processed. In situations where this process cannot be followed, the officer shall contact the Watch Commander who in turn shall contact the Evidence Custodian to make other arrangements.
5. Packaging of blood stained clothing or other biological fluids:
 - (a) Items with biological fluids, such as clothing, handguns, and money, will be separated into department supplied paper bags or the appropriate department supplied evidentiary container after drying. and never stored in plastic containers.
 - (b) Where a number of property items are seized, each item should be secured in individual department supplied paper bags.
 - (c) A department supplied biohazard sticker will be placed next to the property label for items contaminated with suspected biological fluids.

706.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

706.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

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A property barcode label shall be securely attached to the outside of all items or group of items packaged together. If multiple items are packaged together, each item must have its own property barcode label. Booking officers will select packaging that protects the item from any damage during storage in the property room. The packaging container (box, bag, envelope, etc.) must be sealed with department evidence security tape. The booking officer must place his/her initials on the evidence tape prior to booking.

706.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged (barcode), and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

706.5 RECORDING OF PROPERTY

The Property and Evidence Custodian 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 RiMS property section. Each item booked into the property room must have an electronic entry in RiMS prior to booking. Each item booked into the property room will have an assigned property item number and a barcode. Once inside the property room, each item's location will be tracked and recorded in the RiMS property section.

706.6 PROPERTY CONTROL

Each time the Property and Evidence Custodian receives property or releases property to another person, he/she shall enter this information in the RiMS property section. Officers desiring property for court shall contact the Property and Evidence Custodian, or Property Officer in his/her absence, at least one day prior to the court date. Officers requesting property must receive written authorization from a supervisor or detective prior to contacting the Property and Evidence Custodian.

706.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. In the event that property will be checked out to department staff, a chain of custody label will be affixed to the item. The department staff receiving the property must fill out this label upon receipt of the item. No property or evidence is to be released without first receiving written authorization from a supervisor or detective. The Property

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and Evidence Custodian will initial the chain of custody label when receiving property back into the property room.

706.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The Property and Evidence Custodian will check the evidence out of property, indicating the date and time in the property management software and the request for laboratory analysis.

The laboratory specific submission forms will be transported with the property to the examining laboratory. The property item shall remain in its sealed original packaging to ensure chain of custody. Property to be transported to the crime laboratory need not be repackaged so long as the existing packaging method complies with department standards, which are intended to meet crime laboratory standards. Upon delivering the item involved, the Property and Evidence Custodian will record the delivery time on the chain of custody form. A copy of the lab submittal or receipt form will be retained and scanned into the property management software for documentation and chain of custody records.

706.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry on the chain of custody label. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the chain of custody label, stating the date, time, and to whom released.

The Property and Evidence Custodian shall obtain the signature of the person to whom property is released, and the reason for release. The reason for property being released will be indicated in the RiMS property section. Any employee receiving property shall be responsible for such property until it is properly returned to the property room or properly released to another authorized person or entity. The return of the property should be recorded in the RiMS property section, indicating date, time, and the person who returned the property.

706.6.4 AUTHORITY TO RELEASE PROPERTY

The Detective Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

706.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when

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sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property 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 Bureau for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

706.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

706.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Detective Bureau will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

706.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal

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investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

706.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

706.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the University of California Irvine Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

706.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

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706.7 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 120 days, and for which no disposition has been received from a supervisor or detective.

706.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

706.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

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Property and Evidence

706.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence 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 Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

706.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a bimonthly (every two months) basis, the supervisor of the evidence custodian shall direct a randomized audit of the evidence storage facilities to ensure adherence to appropriate policies and procedures.
- (b) At least once a year, the person responsible for the property and evidence control function inspects the property room for adherence to policies and procedures used for the control of property and evidence.
- (c) At least once a year, the agency's chief executive officer directs the completion of an unannounced inspection of all property storage areas and an audit of property and evidence by an employee not routinely or directly connected with property control.

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- (d) An annual inventory of all evidentiary locations must be directed by the supervisor of the evidence room and performed by the evidence room custodian to ensure that records are correct, and all evidence property is accounted for.
- (e) Whenever the primary evidence custodian is assigned to and/or transferred from the property and evidence control function, an inventory of the property room is conducted jointly by the newly designated primary property custodian and a designee of the agency's chief executive officer, to ensure that records are correct and properly annotated.
- (f) Whenever a change in the agency police chief occurs, an inventory of the property room is conducted once the new police chief takes control of the agency.

706.9 LOST AND FOUND PROPERTY

The University of California Irvine (UCI) Police Department provides a lost and found service for select items found on the UCI Campus. Items are maintained 90 days before disposition.

If an officer can identify the owner of lost and found property every attempt should be made to make contact and reunite the owner with their property. If the owner cannot be located or contacted the property shall be booked by the officer prior to end of watch. If the property contains a serial and/or identifying numbers the officer shall ensure the numbers are check through the Automated Property System (APS).

Records Bureau

707.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the University of California Irvine Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

707.2 POLICY

It is the policy of the University of California Irvine Police Department to maintain department records securely, professionally, and efficiently.

707.3 RESPONSIBILITIES

707.3.1 RECORDS ANALYST

The Chief of Police shall appoint and delegate certain responsibilities to a Records Analyst. The Records Analyst shall be directly responsible to the Director of Administration or the authorized designee.

The responsibilities of the Director of Administration or the authorized designee include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Bureau.
- (b) Scheduling and maintaining Records Bureau time records.
- (c) Supervising, training, and evaluating Records Bureau staff.
- (d) Maintaining and updating a Records Bureau procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 - (a) Homicides.
 - (b) Cases involving department members or public officials.
 - (c) Any case where restricted access is prudent.

707.3.2 RECORDS BUREAU

The responsibilities of the Records Bureau include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.

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- (c) Modification of case reports.
- (d) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (e) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
 - (a) All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
 - (b) Suspected hate crimes (Penal Code § 13023).
 - (c) Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
 - (d) Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
 - (e) Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
 - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
 - (f) Anti-reproductive rights crime information required by Penal Code § 13777.
- (f) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (g) Identifying missing case reports and notifying the responsible member's supervisor.
- (h) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (i) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

707.3.3 RECORDS UNIT PROCEDURE MANUAL

The Records Analyst should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

707.4 RECORDS MANAGEMENT SYSTEM

The Director of Administration or their designee shall ensure the computer-based Records Management System (RIMS):

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- (a) Automatically assigns a unique number to each event or report when generated;
- (b) Maintains a master name index that can be viewed alphabetically;
- (c) Accurately classifies and allows for the retrieval of event records by type and location;
- (d) Includes a local arrest history for all persons who have been summoned, cited, or placed under custodial arrest by the department.

707.4.1 RIMS ADMINISTRATION

To ensure the accurate status, classification, dissemination and disposition of reports, the Director of Administration or their designee will:

- (a) Review RIMS each workday to verify that event and case numbers are properly assigned and accounted for;
- (b) Regularly monitor the report submission and supervisory approval process within RIMS to ensure reports are complete and submitted in a timely manner as specified within policy. If report discrepancies or deficiencies of these types are found, the Director of Administration or their designee is responsible for notifying and consulting with the appropriate Operations manager or supervisor to correct the issue;
- (c) Updated with an appropriate final disposition in a timely manner.

707.5 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the University of California Irvine Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administrative Services Supervisor. The Administrative Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Supervisor should forward the petition to the Detective Bureau Supervisor and the General Counsel for review. After such review and consultation with the General Counsel, 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 DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administrative Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

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707.6 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Services Lieutenant should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

707.7 FILE ACCESS AND SECURITY

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Watch Commander.

The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

707.8 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Analyst. All original case reports removed from the Records Bureau shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Bureau.

All original case reports to be removed from the Records Bureau shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

707.9 CONFIDENTIALITY

Records Bureau staff have access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

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707.10 ACCESS TO CRIMINAL HISTORIES

Criminal offender and juvenile records are highly restricted. Access to Criminal Offender Record Information (CORI) is authorized by Penal Code Section 11077 and is further defined in the Authorized Agency List provided by the California Department of Justice.

Access to CORI is based on the "right-to-know" and "need-to-know" and must be established. The right-to-know means the right to obtain CORI pursuant to court order, statute, or decisional law. The need-to-know means the necessity to obtain CORI in order to execute official responsibilities.

- (a) The Dispatch Supervisor is the Agency Terminal Coordinator (ATC) and is responsible for providing CLETS/CJIS/NCIC training and certification to agency personnel as required by the Department of Justice.
- (b) Only authorized department employees, with CORI clearance, may use department computers or telecommunications terminals to access criminal history information. Employees receiving CLETS, CJIS and NCIC information are responsible for maintaining the confidentiality of the information.
- (c) Security of any information received from the CLETS/CJIS/NCIC terminal is very important. Dispatchers and Records Analysts must make certain that anyone requesting the information meets the requirements of the Department of Justice regarding who may or may not obtain CLETS/CJIS/NCIC information or material.
- (d) CORI may be faxed from one secure location to another secure location. When printed CORI is no longer needed, Title 11, section 708(a) of the CCR requires the destruction of CORI in such a manner that the identity of the subject can no longer be ascertained. CORI stored on electronic media must be destroyed in the same manner.

Chapter 8 - Custody

Temporary Custody of Adults

800.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the University of California Irvine Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

800.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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

Temporary custody - The time period an adult is in custody at the University of California Irvine Police Department prior to being released or transported to a housing or other type of facility.

800.2 POLICY

The University of California Irvine Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be processed within the department's secured lockup and remain in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

800.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

800.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the University of California Irvine Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.
- (c) Any individual who is seriously injured.

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- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
 - 1. If the officer taking custody of an individual believes that the individual may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.
- (j) Any individual with an obvious developmental disability (15 CCR 1057).
- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

800.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

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Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

The primary oversight of the department's temporary detention facility (which also contains a processing center) is the responsibility of the Operations Lieutenant. Any problems with the facility or contents thereof shall be immediately reported to the Watch Commander and Operations Lieutenant via the telephone and/or email. The day-to-day operation of the detention facility is the responsibility of the Watch Commander. They are responsible for overseeing the security, arrestee accounting, testing, processing, searching, and detention of arrestees being held within the holding facility during their shift.

800.3.3 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the University, as required by 15 CCR 1027.

800.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

800.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual

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may be suicidal, the individual shall be transported to the University jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

800.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

- (a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 - 4. Ensure males and females are separated by sight and sound when in cells.
 - 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

800.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Lieutenant will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for

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documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
 - (c) Forward any communication from the individual to the individual's consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to the individual's consular officers without delay.

800.5 SAFETY, HEALTH AND OTHER PROVISIONS

800.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the University of California Irvine Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including the individual's name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.

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- (h) Date and time of release from the University of California Irvine Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

800.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

800.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by an officer.

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Those who require medication while in temporary custody should not be at the University of California Irvine Police Department. They should be released or transferred to another facility as appropriate.

800.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

800.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 - 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
 - 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

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- (c) Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

800.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

800.5.7 FIRE AND OTHER LIFE SAFETY INCIDENTS

The Department has an automated fire alarm and smoke detection system. In the event of a fire alarm or system activation, an alarm will sound throughout the facility. Police Dispatchers shall request Orange County Fire Authority to respond.

If an individual is being detained at the Department when an alarm is activated, the officer responsible for the individual shall direct the detainee to a hazard-free, secure area.

A fire extinguisher shall be kept near the temporary holding rooms and shall remain easily accessible. Fire suppression equipment is issued and inspected by UCI Environmental Health & Safety.

In the event of an actual fire, earthquake or other life safety incident, Department police personnel shall take immediate action to evacuate any and all individuals to an area of safety, notify the Orange County Fire Authority so that appropriate fire department personnel respond, and attempt to extinguish a fire or provide life safety support if needed.

There are two emergency evacuation routes for the holding facility. They are:

1. Exit the detention facility via the rear security door next to cell #2.
Note: This is the preferred evacuation route and all individuals shall be properly handcuffed prior to exiting the detention facility during the event of an emergency.
2. Exit the detention facility via the rear department entrance door.

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3. Whenever possible, individuals shall be placed into the rear compartment area of a patrol car until such time as it is deemed safe to re-enter the department's temporary detention facility or be transferred to another agency's detention facility.

800.5.8 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

The detention area is equipped with three strategically placed panic alarms to assist with alerting personnel should an emergency situation develop. The emergency alarm system is monitored at all times by the Communication Center. In the event of an emergency, officers will push the panic alarms button, which will alert the Communications Center of an emergency in the processing area.

800.5.9 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

800.5.10 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

800.5.11 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

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800.5.12 MEALS

Since arrestees should not be detained in the holding facility longer than six hours, meals are not provided. However, if extenuating circumstances require a stay longer than six hours, a meal will be provided. A transient or homeless arrestee who is detained for any period of time, and they have been without food as a result of their circumstances, should be transported immediately to Orange County jail where a meal can be provided to them by the jail staff after processing.

800.5.13 SECURITY DOORS AND ESCAPE PREVENTION

There are two exterior security doors within the detention facility which are designed to control the movement of individuals and prevent escape. These doors are to remain closed and locked at all times unless detainees are being moved from one location to another or for other official business. Only one door may be opened at a time until the previously opened door has been closed and re-secured.

Each cell door shall be double locked to prevent escape.

800.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the University of California Irvine Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

Individuals should not be secured to fixed objects in the booking area. In cases of exigent circumstances where an individual must be detained or processed in a location other than the booking area, the on-duty Watch Commander will determine where and how an individual may be secured to a fixed object to keep the individual safe and secure.

800.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

800.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

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Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Watch Commander shall attempt to prove or disprove the claim.

800.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes (15 CCR 1027.5).
 - (a) Safety checks should be at varying times.
 - (b) All safety checks shall be logged.
 - (c) The safety check should involve questioning the individual as to the individual's well-being.
 - (d) Individuals who are sleeping or apparently sleeping should be awakened.
 - (e) Requests or concerns of the individual should be logged.

Watch Commanders and/or Corporals shall, once per shift, inspect the holding cells and temporary detention area for cleanliness and unsafe conditions. This inspection shall be documented in the Smartsheet inspection log.

Each year, the Operations Lieutenant shall complete an administrative review of temporary detention areas and procedures to ensure that department policies and procedures governing temporary detention are being followed and that the original intent for authorization and use of the facility continues to be adequate for the department's needs.

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800.8.1 USE OF SOBERING CELL

Individuals who are to be held in the temporary holding facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any individual in a sobering cell (15 CCR 1056):

- (a) Placement of an individual into the cell requires approval of the Watch Commander.
- (b) A cell log shall be initiated every time an individual is placed in the cell. The log shall be maintained for the entire time the individual is housed in the cell.
- (c) A safety check consisting of direct visual observation sufficient to assess the individual's well-being and behavior shall occur at least once every 30 minutes with no more than a 15-minute lapse between safety checks. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.
- (d) Under no circumstances shall an individual be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the individual does not have an urgent medical issue.
- (e) Individuals will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

800.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Operations Lieutenant will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the University of California Irvine Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Watch Commander, Chief of Police and Operations Lieutenant
- (c) Notification of the spouse, next of kin or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the General Counsel
- (f) Notification of the Coroner
- (g) Evidence preservation
- (h) In-custody death reviews (15 CCR 1046)
- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

800.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms, and logs have been completed prior to release.

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- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the University of California Irvine Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

800.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

800.10.2 DETAINEE TRANSPORT PROCEDURES

- (a) The transporting officer shall search all individuals before they are transported
 - 1. Individuals will be searched each time they come into the transporting officer's custody, or are placed in the custody of a different officer, including transports between detention facilities.
 - 2. It will be assumed that the individuals may have had an opportunity to obtain contraband or a weapon prior to the time of transport.
 - 3. It should never be assumed that someone other than the transporting officer has searched the individuals.
- (b) Positioning of individuals in any transport vehicle

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1. Individuals shall not be transported in a vehicle without a safety barrier.
 2. When one officer is transporting one individual, the individual will be positioned on the rear seat on the side opposite the officer driving.
 3. When one officer is transporting more than one individual, both individuals will be seated in the rear passenger area. Individuals of different sexes will not be transported together and must be kept separate.
 4. If more than one officer is involved in the same transport, the assisting officer should position themselves in the right front passenger seat in such a way as to keep an eye on the individual at all times. The individual may be located on either the right or left rear seat areas.
- (c) Prior to the start of watch, officers shall conduct a search of the vehicle's individual transport area to ensure it is free of weapons, contraband, or any other item(s) of an evidentiary nature. Any evidence/property found during the inspection will be brought to the attention of the Watch Commander and will be handled according to the Property and Evidence policy.
- (d) The transporting officer, prior to and after transporting individuals, will search the transport vehicle.
1. The entire area that would be accessible to an individual will be searched for weapons, contraband and other items. This includes under, between, and behind all seats, as well as all visible cracks and crevices around areas such as the door and wall panels.
 2. Any evidence/property found during the inspection will be brought to the attention of the Watch Commander and will be handled according to the Property and Evidence policy.
- (e) All individuals being transported shall be secured to the degree necessary to avoid escape and fastened with a seat belt. Individuals will be handcuffed behind their back, with the only exceptions being for medical or physical conditions.

800.10.3 OFFICER'S ACTIONS AT DESTINATION

Actions of the transporting officer(s) upon arrival at the custodial facility and required documentation.

- (a) Firearms and other weapons as determined by the receiving facility will be secured in the designated place provided at the custodial facility. Custodial facilities usually provide a firearm/weapons lockbox or if unavailable, officers shall use the rear trunk of the patrol unit when parked within a secured parking lot.
- (b) Restraining devices will be removed from an individual only when directed to do so by the custodial facility or when the officer is certain that the individual is properly controlled within a secured environment (i.e., holding cell, booking room).
- (c) The proper documentation will be transported with the individual and submitted to the appropriate person at the custodial facility. This should include:
 1. Booking forms, warrants, etc.;

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2. Prisoner property and property form; and
 3. Information on escape or suicide tendencies.
- (d) Transporting officers will convey to the receiving facility any information of a medical or security nature involving an individual, to include:
1. Escape tendencies;
 2. Suicide tendencies;
 3. Unusual illnesses with any know prescribed medications; and or
 4. Use of force incidents (e.g. pepper spray, any physical force utilized, if individual was treated and cleared by medical personnel for booking.

800.10.4 TRANSPORTING SICK, INJURED OR PHYSICALLY DISABLED ARRESTEES

- (a) If an individual becomes sick or complains of an injury subsequent to arrest
1. The officer shall notify the dispatcher immediately.
 2. The Watch Commander will respond and evaluate the situation.
 3. Paramedics will be called to the scene and transport the arrestee to a local hospital if deemed appropriate by the Watch Commander and/or paramedics. This includes being suspected of a pandemic infection.
 - (a) Should hospital transportation occur, the Watch Commander will take the appropriate measures (i.e., assign escorting patrol units) to ensure the safety of the individual, transporting paramedics, and hospital staff.
 4. The Watch Commander will ensure that all reports are completed as needed.
 5. If the individual is subsequently transported to the holding facility or Orange County Jail, the transporting officer is to inform the receiving agency of the sickness, injury, and/or disability prior to arrival.
- (b) Transportation of disabled arrestees
1. Officers who encounter this situation shall notify the Watch Commander immediately.
 2. A disabled individual will never be placed into a position that could possibly result in injury or compromise their safety.
 3. The Watch Commander will evaluate the situation to determine what proper and safe actions need to be taken.
 4. The receiving agency will be notified of the nature of the disabled individual and a determination will be made as to whether they will accept the arrestee.
 5. When appropriate, paramedic transport may be utilized.
- (c) Transport to a Medical Care Facility

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1. When an individual is transported to a medical facility and is admitted to the facility by the attending physician, the transporting officer will immediately notify the Watch Commander and shall utilize the following procedures to ensure control of the arrestee in the medical facility.
 - (a) Have the individual released from custody, if possible and appropriate, given the nature of the offense.
 - (b) If the individual has to remain in police custody, the medical facility should be requested to put the individual in as secure a private room as possible.
 - (c) If admitted but not released to the custody of the hospital, the individual should be kept under observation by a police officer at all times. Normally restraining devices should be utilized, however officers should consult with the attending physician in reference to the best utilization of restraining devices and only then shall a decision be made by the Watch Commander as to the appropriate use or no use of restraining devices.
2. The procedures listed above also apply for the commitment of mentally disturbed persons (i.e. 5150 WIC), with the exception that officers may be relieved when the subject has completed the intake process and has been turned over to the facility staff.

800.11 ASSIGNED ADMINISTRATOR

The Operations Lieutenant will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans (e.g., natural disasters)
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the BSCC as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

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Annual review and evaluation of security measures including internal and external security measures, sanitation, safety, and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

800.12 TRAINING

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

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Separation of incarcerated persons
- (d) Emergency procedures and planning, fire safety, and life safety
- (e) Suicide prevention
- (f) De-escalation
- (g) Juvenile procedures
- (h) Racial bias
- (i) Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Training Manager shall maintain records of all such training in the member's training file.

Custodial Searches

801.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the University of California Irvine Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

801.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

801.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

801.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

801.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the University of California Irvine Police Department facilities. Except in exigent circumstances, the search should

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be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches shall also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

801.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's University of California Irvine Police Department identification number and information regarding how and when the property may be released.

801.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

801.5 STRIP SEARCHES

No individual in temporary custody at any University of California Irvine Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

801.5.1 STRIP SEARCH PROCEDURES

Strip searches at University of California Irvine Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Watch Commander.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex, and role of any person present during the search.
 - 7. The time and date of the search.

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8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

801.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

801.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Watch Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

801.7 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Prison Rape Elimination

802.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against individuals in custody in the University of California Irvine Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

802.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the individual in custody:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of the staff member's uncovered genitalia, buttocks, or breast in the presence of an individual in custody
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

802.2 POLICY

The University of California Irvine Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The University of California Irvine Police Department will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

802.3 PREA COORDINATOR

The Chief of Police has appointed the Operations Lieutenant as the PREA Coordinator with the authority to develop, implement, and oversee department efforts to comply with PREA standards in the University of California Irvine Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment, or retaliation.
- (h) Publishing on the department's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
 - 2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).
 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house individuals in custody overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
- (l) Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

802.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the department zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

802.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from individuals in custody and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against individuals in custody or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

802.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

802.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

802.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

802.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects, and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect, or witness on an individual basis and not by the person's status as a detainee or a member of the University of California Irvine Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

802.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

802.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether

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the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

802.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the Associate Vice Chancellor. The Chief of Police or the Associate Vice Chancellor shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor or volunteer.

802.6 RETALIATION PROHIBITED

All individuals in custody and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse and of those who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic status checks.

802.7 REVIEWS AND AUDITS

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802.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

802.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the Department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be

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redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from University of California Irvine Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

802.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

802.9 TRAINING

All department members and contractors who may have contact with individuals in custody shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Manager shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
- The right of individuals in custody and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all individuals in custody.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Manager shall maintain documentation that employees, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current department members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Chapter 9 - Equipment

Department Owned and Personal Property

900.1 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.

900.2 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.

900.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Lieutenant, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

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900.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

900.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

900.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the University of California, Irvine, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Lieutenant.

Personal Communication Devices

901.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

901.2 POLICY

The University of California Irvine Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

901.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

901.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

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901.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

901.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the University of California Irvine Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

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Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

901.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

901.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

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- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors shall consult with the Chief of Police or the authorized designee.

901.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

901.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Cash Handling, Security and Management

902.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

902.2 POLICY

It is the policy of the University of California Irvine Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

902.3 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Detective Bureau supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

902.4 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Vehicle Use

903.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the University of University of California, Irvine to provide assigned take-home vehicles.

903.2 POLICY

The University of California Irvine Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

903.3 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall request permission from the Watch Commander before its use. The member shall complete a vehicle checklist when checking out the vehicle.

The vehicle checklist does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

903.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Vehicle shall not be left unattended with the engine idling. Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured within their appropriate weapons rack while the vehicle is unattended. Unsecured weapons shall not be left in any UC Irvine Police Department vehicle.

903.5 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall first attempt to use a different vehicle with a working MDC. If there is no other vehicle with a working MDC, the member shall notify the Communications Center.

The Mobile Digital Computer Use Policy governs the use of the MDC.

Officers shall not utilize the MDC during enforcement activities unless another officer is present to provide for the safety and security of the officer using the MDC.

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903.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Lieutenant approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

903.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command to the appropriate division Lieutenant.

903.8 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Members shall complete a vehicle inspection checklist before using any vehicle and submitting that checklist, via Smartsheets, to the Watch Commander.

Any damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to the Watch Commander and documented on the vehicle checklist at the beginning of the shift or before the use of the vehicle.

The exception to the completion of the checklist before taking the vehicle into service is a priority one call for service before the inspection can be completed. In those cases, the checklist shall be completed immediately following the conclusion of the service call.

The interior of any vehicle that has been used to transport any person other than a member of this department shall be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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903.9 DEFECTIVE OR DAMAGED VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, the Watch Commander shall be notified, and that vehicle shall immediately be removed from service for repair. The employee, who first becomes aware of the defective condition, shall promptly submit documentation describing the correction needed.

The paperwork shall be promptly forwarded to the Watch Commander and fleet services for repair. Repairs and maintenance shall be coordinated (before taking place) with the Administration Director for vehicles assigned to the Irvine Campus and with the Business Services Manager for vehicles assigned to the Medical Center campus.

When a department vehicle is damaged, the Watch Commander shall take photographs of the damage and submit those to the division Lieutenant, where the vehicle is assigned to be included in the damaged vehicle log binder.

903.10 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits, or prolonged high-speed operation.

903.11 REMOVAL OF WEAPONS

All firearms, weapons, and control devices shall be removed from a vehicle and properly secured in the department armory before the vehicle being released for maintenance, service, or repair.

903.12 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties. Marked police vehicles shall be equipped with operational lights and auditory sirens.

903.12.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift using a department provided inspection checklist. Officers shall ensure that all exterior, interior parts of the vehicle are free of defects or damage. Ensure that all exterior, interior, and emergency lighting systems, Smartsiren controller, Motorola radio(s), WatchGuard Video systems, and MDC are fully functional. Ensure that any service scheduling needs (tires, oil, and mechanical) are brought to the attention of the Watch Commander.

Officers shall conduct a weapon inspection and function check to ensure that the MCX rifle and 40mm launcher are fully operational. Officers shall remove weapons from the vehicle and conduct weapons inspections outside of the vehicle, ensuring the weapons are placed back in the vehicle "Patrol Ready" with no chambered rounds.

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Officers shall report any mechanical issues, damage, missing or non-operational equipment or systems to the Watch Commander verbally in addition to completing the vehicle inspection checklist submission.

Sergeants shall utilize the vehicle inspection checklists and verbal reports made by officers to ensure that individuals not adhering to the policy are held accountable as well as to ensure that vehicles are serviced, repaired and restocked as needed to maintain the patrol fleet.

As part of the inspection, Officers shall ensure the following equipment is present in the vehicle:

- (15) Emergency road flares
- (10) Traffic Cones (except Sgt.vehicles)
- (1) Radiation Detector
- (2) Sticks yellow or white crayon or chalk
- (1) Roll Yellow Barricade Tape
- (1) Sealed First Aid Kit
- (1) AED (with specific unit #/ & fully charged)
- (1) Hazardous Materials Emergency Response Handbook
- (1) Camera (Marked with specific unit #)
- (1) "bail out" bag, including spare rifle magazine, tourniquet, and blood clotting material
- (1) Citation book and citations
- (1) Gate Remote
- (1) Map Guide
- (1) Fire Extinguisher
- (1) Bolt Cutter
- (1) Yellow Blanket
- (1) Breaching Tool
- (1) Box of Latex Gloves
- (1) Hand-cleaner/sanitizer
- (1) Roll-A-Tape
- (1) 40mm Ammunition holder w/ (3) 40mm rounds

903.12.2 DETECTIVE VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- (10) Emergency road flares

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- (1) Roll Yellow Barricade Tape
- (1) Sealed First Aid Kit
- (1) Box latex gloves
- (1) Gate Remote
- (1) Hand Cleaner/Sanitizer

903.13 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall refuel their vehicles at the end of each shift. In no case shall a vehicle be secured with less than three-quarters of a tank of fuel. Vehicles shall only be refueled at the authorized location.

903.14 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance. Officers in patrol shall obtain clearance from their watch commander and notify dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

903.15 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

903.16 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than University personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

903.17 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

903.18 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not

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so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

903.19 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Chief of Police or their designee.

903.20 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

903.20.1 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the University of California, Irvine University limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

903.20.2 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

903.20.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the University of California, Irvine is a prime consideration for assignment of a take-home vehicle. Members who reside outside the University of California, Irvine may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

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Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a University vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police, Assistant Chief, or a Lieutenant gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police, Assistant Chief, or Lieutenants and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police, Assistant Chief, or Lieutenants.
 - 4. When the vehicle is being used by the Chief of Police, Assistant Chief, or Lieutenants or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - (a) No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - (b) All weapons shall be secured while the vehicle is unattended.
 - (c) All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact

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weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - (a) If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - (b) If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

903.20.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the University of California Irvine Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

903.21 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

903.22 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

903.23 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

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To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the University for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Lieutenant within five working days explaining the circumstances.

903.24 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

903.25 USE OF POLICE DEPARTMENT VEHICLES BY SR. MANAGEMENT OFFICIALS

Personal use of University vehicles by Police Department senior management staff is authorized as follows:

1. Chief of Police - Personal use within a 150-mile radius of the University.
2. Assistant Chief of Police & Lieutenants - Personal use within a 125-mile radius of the University.

The above senior management personnel of the Police Department is on call 24 hours a day, seven days a week. These personnel may have to respond immediately to a campus or medical center emergency or critical incident at any time or may have to attend such an event after normal work hours.

Due to limited staffing of management personnel, the above employees are subject to immediate callback and may have to respond directly to the scene of the critical incident. Each of these employees is a member of the Emergency Management Team for the University and will be the first to respond under the University's Incident Command System (ICS). The use of a vehicle along with immediate radio communications to expedite command operations is essential for these employees.

Personal Protective Equipment

904.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

904.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

904.2 POLICY

The University of California Irvine Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

904.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

904.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

904.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

904.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

904.7 RESPIRATORY PROTECTION

The Services Division Lieutenant is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

904.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

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- (a) It is necessary for the member to wash his/her face and the respirator face piece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the face piece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

904.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the face piece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-face piece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the face piece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their face piece and ensure that the respirator is replaced or repaired before returning to the affected area.

904.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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904.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

904.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or face piece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the face piece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

904.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

904.8 RECORDS

The Training Manager is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

904.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

Military Equipment

905.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

905.1.1 DEFINITIONS

Definitions related to this policy are set forth by Government Code § 7070:

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes:

- Unmanned, remotely piloted, powered aerial, or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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905.2 POLICY

It is the policy of the University of California Irvine Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

905.2.1 COMPLIANCE PROCEDURE

The University of California Irvine Police Department will ensure that all Department members comply with this policy and the policies that govern the use of equipment defined as military equipment. The UC Irvine Police Department shall conduct an annual audit. The Chief of Police or their designee will be notified of any policy violation(s). If needed, the violation(s) will be referred to an internal complaint investigation and handled according to UC Irvine Police Department's Personnel Complaint policy. All instances of non-compliance will be reported to the UC Board of Regents as part of the annual military equipment report.

Any member of the public can register a complaint, question, or a concern regarding military equipment use by sending their question via email to police@uci.edu. The Chief of Police or their designee will respond in a timely manner.

905.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to function as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any other law enforcement agencies that may use military equipment within the jurisdiction of the University of California Irvine Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g)

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905.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

[See attachment: UC Police Military Equipment.pdf](#)

905.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy (Government Code § 7071(a)(1)).

As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071(b)).

The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071(a)):

- (a) Requesting military equipment made available pursuant to 10 U.S.C. § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.
- (h) This approval is intended to permit the Department to maintain the quantities of military equipment at the quantities that were last approved by the governing body. Accordingly, the Department can engage in any of the activities listed in 905.6(a)-(g) without seeking additional approval as long as the Department does not exceed the pre-approved quantity.

905.6 MILITARY EQUIPMENT USE CONSIDERATIONS

- (a) The military equipment acquired and authorized by the Department is (Government Code § 7071(d) (1)):
 1. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 2. The military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

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3. Reasonably cost-effective compared to available alternatives, if any, that can achieve the same objective of officer and civilian safety.
4. Military equipment shall only be used by a Department employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances exist.

905.7 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid. Situations may arise where the Department may deploy or use military equipment, as defined, owned by other law enforcement agencies.

The Department hereby adopts the military equipment use policy as is approved, and may be amended from time to time, under Government Code section 7070 et seq., for jurisdictions that the Department may engage with to provide mutual aid. This section is in no way a limitation to the ability of the Department to deploy or use the military equipment of another jurisdiction.

905.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required for the preceding calendar year for each type of military equipment in the department inventory (Government Code § 7072).

The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (d) The total annual cost of each type of military equipment, including acquisition, personnel training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment.
- (f) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

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905.9 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment (Government Code § 7072(b)).

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the University of California Irvine Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the University of California Irvine Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Assistant Chief and Services Lieutenant will manage police officer recruitments. The Assistant Chief and the division managers for professional staff will manage professional staff recruitments. Working with staff within the department as well as UCI HR the recruitment team should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Services Lieutenant shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

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The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
 - 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
 - 2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
- (j) Review board or selection committee assessment
- (k) Hiring and promotional oral interview panels for police department positions shall include UCI community representatives which may include students, staff, and faculty. UCI Community members selected to serve on interview panels shall complete the

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UC Managing Implicit Bias Series: Managing Implicit Bias in Hiring Process prior to serving on a panel.

- (l) Evaluation criteria for candidates in hiring and promotional decisions for campus safety roles will include behaviors consistent with the University's principles of community and their commitment to integrity, excellence, accountability, and respect.
- (m) Lateral police applicants from other UC campuses and internal applicants for police promotion shall not be required to provide personal information such as home address, marital status, and any other information contained within their Personnel file protected under Penal Code 832.5 and 832.7 for review by a selection committee that includes community representatives.

1000.5 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.6 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

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1000.6.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.6.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

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1000.6.3 UCI HIRING STANDARDS

The University will not hire officers or any campus safety personnel with any sustained findings of misconduct related to moral turpitude, sexual harassment, bias, discrimination, or any other finding determined to be inconsistent with the University's principles and values, or who resigned while under investigation.

Seat Belts

1001.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1001.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1001.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1001.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1001.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1001.5 POLICY

It is the policy of the University of California Irvine Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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Seat Belts

1001.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1001.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1001.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Use of Vacation and Compensatory Time (CTO & HCO)

1002.1 PURPOSE

All Compensatory Time Off (CTO), and Holiday Compensatory Time (HCO), and Vacation time off requests will be processed in accordance with relevant contract terms, University and Department Policy.

- (a) FUPOA Contract, Article 11, Hours of Work, Section I.1
- (b) TEAMSTER Contract
- (c) UC Policy 32, Overtime (Non-Exempt Employees Only)

1002.2 MINIMUM STAFFING REQUIREMENTS

- (a) **Management:** A minimum of one Manager (Chief, Assistant Chief, Captain, or Lieutenant) must be identified to remain available at all times when others are on vacation.
- (b) **Administrative and Emergency Management Personnel:** Will ensure appropriate staffing remain who can perform core administrative and emergency management functions when others are on vacation.
- (c) **Communications:** Will maintain a minimum of one dispatcher on-duty at all times.
- (d) **Sworn Personnel:** Minimum patrol staffing levels must be maintained (1 Supervisor, 2 Officers at UCI, and 1 Officer at UCIMC) while ensuring:
 - 1. Only two Patrol Sergeants may take vacation time off during the same time period, except in extraordinary circumstances (i.e. death of family member).
 - 2. Only one Patrol Officer from each patrol team (shift) may take vacation time off during the same time period, except in extraordinary circumstances.
 - 3. Detectives will ensure a minimum of one detective is available at UCI and one detective at UCIMC, while others are on vacation, except in extraordinary circumstances.

1002.3 SCHEDULE BLOCKS

- (a) The Executive Team may block date(s) throughout the year for operational needs due to known special events, such as Welcome Week, UCI Shocktoberfest, and Commencements. Time Off requests already approved before the date(s) were blocked will be honored. Executive Team will inform all personnel 45 days in advance unless information regarding campus event is given to department with less time. In those cases the Executive Team will inform all personnel within 24 hours of receiving the information.
- (b) Sworn personnel may request CTO/HCO/VAC time off for holiday(s). When a request places the shift below minimums and there are no volunteers for backfill, the request will be denied and the Sergeant/Officer will be required to work their regularly

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scheduled shift. Sworn personnel will not be mandated to cover another employee's CTO/HCO/VAC request for holidays recognized by UCI, except in extraordinary circumstances: New Year (12-31 & 1-1); M.L. King Jr. Day; Presidents' Day; Cesar Chavez Day; Memorial Day; Independence Day (7-4); Labor Day; Veterans Day; Thanksgiving (11-24&25); Christmas (12-24&25).

1002.4 COMPENSATORY TIME OFF (HCO / CTO) IN LIEU OF OVERTIME PAY

- (a) On a campus-by-campus basis, if the University chooses to compensate premium overtime with compensatory time off for any employee or group of employees, such overtime will be compensated at the rate of one and one-half (1 ½) hours of compensatory time off for each hour of overtime earned at the time and one-half rate of pay.
- (b) Each campus may set a maximum accumulation limit for compensatory time, not to exceed 240 hours. UCIPD has established the maximum accumulation for compensatory time for sworn employees not to exceed 160 hours, which includes up to a maximum of 60 hours for compensatory time off (CTO) and up to a maximum of 100 hours for holiday compensatory time off (HCO), dependent on relevant contract terms.
- (c) Upon separation from employment, employees shall be paid for all accumulated compensatory time. Accumulated compensatory time earned at the time and one half rate shall be paid at the employee's current straight time rate of pay or at the employee's average rate of pay for the last three years of employment, whichever is higher.

1002.5 REQUESTING COMPENSATORY TIME OFF

- (a) Compensatory time off must be approved by the Department. The University may require the employees to take compensatory time off.
- (b) Minimum staffing levels as detailed in this policy shall be met prior to the approval of a compensatory time off request. When a request is submitted, which places the unit below minimum staffing levels, Supervisors will attempt to find volunteer(s) to backfill the shift. If no employee volunteers to cover the overtime shift, the CTO/HCO request will be denied and the requestor will be required to work their regularly assigned shift. If a request is denied, the supervisor will work with the employee to try and find an alternative date.
- (c) An employee's request for the scheduling of banked compensatory time shall be granted subject to the needs of the University and shall not be unreasonably denied.
 1. A "reasonable period" under the FLSA is determined by considering the customary work practices within the department, such as:
 - (a) the normal schedule of work;
 - (b) anticipated peak workloads based on past experience;
 - (c) emergency requirements for staff and services; and
 - (d) the availability of qualified substitute staff.

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2. Leave is considered to "unduly disrupt the operations of the department" if it would impose an unreasonable burden on the department's ability to provide services of acceptable quality for the public during the time requested without the use of the employee's services.

1002.6 VACATION TIME OFF REQUESTS

- (a) Vacation leave is scheduled at the convenience of the University. An employee appointed at 50% or more of full-time is eligible to earn vacation credit from the date of hire. No vacation shall be used prior to the time it is credited.
- (b) Prior to the beginning of each New Year, a master vacation schedule will be circulated by seniority to each Swornin order to request preferred vacation days off for the upcoming year.
- (c) Each employee may initially request up to 80 hours of vacation day
 1. The Managers will finalize the master vacation schedule and notify employees prior to January 1st of their approved vacation dates. Managers are each responsible for their respective Master Vacation Schedules
 2. During the review of simultaneous requests for vacation submitted by more than one employee, the request shall be based on the respective seniority of the employees.
 3. Once all employees have an opportunity to request time off, then an employee may request up to an additional 80 hours of vacation days off on the schedule.

1002.6.1 ADDITIONAL CTO/HCO/VAC REQUESTS AFTER ANNUAL VACATION SCHEDULE COMPLETED

At the start of each month, once the Master Vacation Schedule is completed, the Supervisor of each area will review all new CTO/HCO/VAC requests that are submitted prior to the 1st of each month and may approve the request by seniority, if it abides by the conditions as listed in this policy.

1002.7 COMMUNICATIONS UNIT VACATION TIME OFF REQUESTS

Each Dispatcher may request up to 3 weeks of vacation (12 workdays or 120 hours for full-time employees, 60 hours or 6 days for part-time employees) in a calendar year (July to June the following year) which will be guaranteed to be covered either voluntarily or by supervisory order. An employee must have sufficient time in banks in order to request the time off. The 120 hours for full-time employees or 60 hours for part-time employees can be requested all at one time or for separate days throughout the calendar year. Any additional time off exceeding 120 hours for full time employees or 60 hours for part-time employees must be filled voluntarily; without creating additional overtime, by trading with another dispatcher, or without altering the number of personnel on a shift, otherwise the time request will be denied.

Body Armor

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers and Public Safety Responders with guidelines for the proper use of body armor.

1003.2 POLICY

It is the policy of the University of California Irvine 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.

1003.2.1 USE OF BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation they could reasonably be expected to take an enforcement action.
- (c) Officers and Public Safety Responders may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or 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.
- (f) Public Safety Responders must wear body armor when performing uniformed duties on University property.
- (g) A Public Safety Responder may be excused from wearing body armor when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1003.2.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted for fit, cleanliness, and signs of damage, abuse and wear.

1003.2.3 CARE, MAINTENANCE AND REPLACEMENT OF BODY ARMOR

Officers and Public Safety Responders should routinely inspect personal body armor for signs of damage and for general cleanliness.

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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 and Public Safety Responders are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturer's instructions.

Officers and Public Safety Responders are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the individual responsible for the uniform supply function.

1003.3 ISSUANCE OF BODY ARMOR

The designated "hiring" supervisor shall ensure that body armor is issued to all officers and Public Safety Responders when the officer and responder begins service at the University of California Irvine Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The designated supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1003.3.1 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1003.3.2 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1003.4 RANGE MASTER RESPONSIBILITIES

The Range Master should:

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Body Armor

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Request for Change of Assignment

1004.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1004.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment form. The form should then be forwarded through the chain of command to their respective Lieutenant.

1004.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar Year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

1004.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Lieutenant of the employee involved. In the case of patrol officers, the Watch Commander must comment on the request with his/her recommendation before forwarding the request to the Lieutenant. If the Watch Commander does not receive the Change of Assignment Request Form, the Lieutenant will initial the form and return it to the employee without consideration.

TRAINING / TRAVEL / MUTUAL AID EXPENSE REIMBURSEMENT

1005.1 PURPOSE

All travel and meal reimbursements will be processed in accordance with relevant contract terms, University and Department Policy. It is the traveler's responsibility to report his or her actual travel expenses in a responsible and accountable manner, in accordance with the regulations set forth in this Policy.

[FUPOA Contract, Article 27](#)

<https://ucnet.universityofcalifornia.edu/labor/bargaining-units/pa/contract.html>

TEAMSTERS

https://ucnet.universityofcalifornia.edu/labor/bargaining-units/cx/docs/cx_2022-2026_00_complete.pdf

[Business & Finance Bulletin, G-28](#)

<https://policy.ucop.edu/doc/3420365/BFB-G-28>

1005.2 TRAVEL / TRAINING / CONFERENCE MEAL REIMBURSEMENT

The daily amount for meals and incidental expenses will be reimbursed up to \$79.00 per day pursuant to the UCI Accounting & Fiscal Services department (<https://www.accounting.uci.edu/travel/reimbursement/meals-incidentals.html>), when the following criteria has been met:

- (a) The employee must be away for travel for over a 24 hour period and with overnight lodging;
- (b) Expenditures are made 40 miles or further away from UCI;
- (c) No alcoholic beverages will be reimbursed;
- (d) Tips up to 20% per meal will be reimbursed; and
- (e) Original itemized receipts for all expenses must be obtained and submitted with a UCIPD Expense form **within 7 days of employee's return.**
 - Each employee is responsible for their purchases and should not seek reimbursement for another employee's expenses.
 - The maximum daily amount of \$79.00 is for each calendar day. The date of the receipt will correspond with the maximum daily amount for that same day.
 - The maximum daily amount of \$79.00 will be reduced for any meals provided to the employee by the hotel, training site, conference, or host campus (**Breakfast = \$15, Lunch = \$22, Dinner = \$42**). For example, if breakfast is provided, then \$15 will be deducted and a balance of \$64 remains for that same day.

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TRAINING / TRAVEL / MUTUAL AID EXPENSE REIMBURSEMENT

- Each employee is responsible to check their email each work day and immediately review and process any KFS reimbursement requests that are in their inbox, unless prior approval is given from a supervisor.

1005.3 MUTUAL AID MEAL REIMBURSEMENT

Subsistence expenses (including lodging, meals, and incidentals) incurred within the vicinity of an employee's headquarters or residence shall not be reimbursed. The employee must be at least forty miles from the headquarter location or home, whichever is closer, to be reimbursed for an overnight stay.

One meal break up to thirty minutes can be taken during travel to mutual aid locations which are six hours or further away. For travel taking less than six hours, each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

The host campus may provide meals for personnel from the assisting campuses. In such situations there would be no reimbursement for those meals which were provided. If the hotel provides a breakfast, there would be no reimbursement. If the group leader determines the hotel breakfast to be unacceptable, the issue must be brought to the attention of the host campus prior to incurring a meal expense and must be documented on the UCIPD Expense form with the submission of an itemized receipt. If this occurs, the Operations Lieutenant will be notified as soon as possible and the officer will document what occurred on the UCIPD Reimbursement Expense form with the submission of an itemized receipt.

1005.4 TRAVEL / TRAINING / CONFERENCE UCIPD REQUEST FORM

A completed and approved UCIPD Training-Travel Request form must be **submitted at least 7 days in advance** of the training/conference/travel date.

1005.5 MUTUAL AID HOTEL REIMBURSEMENTS

Hotel reservations and payments will be made by the host campus.

1005.6 REGISTRATION FEES AND TUITION

Registration fees and tuition will be paid by the department. A completed and approved UCIPD Training-Travel Request must be submitted at least 14 days in advance of the training date.

1005.7 TRAVEL / TRAINING / CONFERENCE HOTEL REIMBURSEMENT

Hotel reservations and payments will be made by the department.

1005.8 RENTAL VEHICLES

Rental vehicles will be reserved by the department, paid for by the employee, and reimbursed by the department. Exceptions require prior approval.

Fitness for Duty

1006.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1006.2 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.

1006.3 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 Lieutenant, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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Fitness for Duty

1006.4 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.

1006.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Lieutenant, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1006.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the

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Fitness for Duty

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.

1006.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1006.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Commendations and Awards

1007.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the University of California Irvine Police Department and individuals from the community.

1007.2 POLICY

It is the policy of the University of California Irvine Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1007.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1007.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

- (a) Employee name, bureau, and assignment at the date and time of the commendation.
- (b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate.
- (c) Signature of the commending supervisor.

Completed reports shall be forwarded to the appropriate Lieutenant for his/her review. The Lieutenant shall sign and forward the report to the Assistant Chief of Police for his/her review.

The Assistant Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the Administrative Secretary for entry into the employee's personnel file.

1007.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

Personnel Complaints

1008.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the University of California Irvine Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1008.2 POLICY

The University of California Irvine Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1008.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1008.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Lieutenant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Support Services Lieutenant, 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 Support Services Lieutenant, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1008.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor, who will notify their respective Lieutenant.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1008.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1008.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

1008.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

1008.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1008.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

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1008.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1008.6 ADMINISTRATIVE INVESTIGATIONS

Supervisor Responsibilities:

In general, the primary responsibility for investigation of a personnel complaint shall rest with the Assistant Chief of Police, unless the Assistant Chief of Police is the complainant, or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of the Assistant Chief of Police include, but are not limited to:

- a. Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take the appropriate action and/or determine who will have responsibility for the investigation.
 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Lieutenant, Assistant Chief, or the Chief of Police, who will initiate appropriate action.
- b. Responding to all complaints in a courteous and professional manner.
- c. Resolving those personnel complaints that can be resolved immediately.
 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to their Lieutenant.
- d. Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the employee's Lieutenant, Assistant Chief, and Chief of Police are notified via the chain of command as soon as practical.

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- e. The Assistant Chief will contact the Office of Equal Opportunity and Diversity (OEOD) for consultation regarding their roles in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- f. Forward unresolved personnel complaints to the Assistant Chief of Police, who will determine whether to contact the complainant or assign the complaint for investigations.
- g. Inform the complainant of the investigator's name and the complaint number within three days after the assignment.
- h. Investigate the complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- i. Ensuring that the procedural rights of the accused member are followed (Government Code 3303 et seq.).
- j. Ensuring interviews of the complainant are generally conducted during reasonable hours.

ADMINISTRATIVE INVESTIGATION PROCEDURES

- (a) The following applies to members covered by the Public Safety Officers Procedural Bill of Rights ACT (POBR) (Government Code 3303):
- (b) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).
- (c) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).
- (d) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).
- (e) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).
- (f) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).
- (g) Absent circumstances preventing it, the interviewer 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

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be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).

- (h) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to Lybarger. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).
- (i) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's Brady list or the name of the officer may otherwise be subject to disclosure pursuant to Brady v. Maryland. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a Brady list or may otherwise be subject to disclosure pursuant to Brady v. Maryland (Government Code § 3305.5).

ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

- **Introduction** - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.
- **Synopsis** - Provide a very brief summary of the facts giving rise to the investigation.
- **Summary Of Allegations** - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.
- **Evidence As To Each Allegation** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.
- **Conclusion** - A recommendation regarding further action or disposition should be provided.
- **Exhibits** - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report

DISPOSITION OF PERSONNEL COMPLAINTS

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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.

COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence. Simple investigations involving a minimal number of interviews and/or evidence gathering should be completed within 30 days of the investigation being assigned. Investigators will notify the Assistant Chief when a simple investigation will not be completed within the 30 day time frame, outlining the reason(s) why the investigation will take longer and provide an estimate of when the investigation will be completed.

More complex investigations should be completed within 60 days of the investigation being assigned. Investigators will notify the Assistant Chief when a simple investigation will not be completed within the 30 day time frame, outlining the reason(s) why the investigation will take longer and provide an estimate of when the investigation will be completed.

Investigations that will take, from their onset, more than 60 days to complete shall require the assigned investigator to provide monthly updates to the Assistant Chief.

Every effort shall be made 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.

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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.

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1008.6.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1008.7 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1008.8 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

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The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The University of California Irvine Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1008.9 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1008.9.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Assistant Chief of Police shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Assistant Chief of Police may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Assistant Chief of Police may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Assistant Chief of Police shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1008.9.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the investigator for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

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- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1008.9.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1008.9.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1008.10 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

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- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1008.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1008.12 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1008.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1008.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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1008.15 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 - 2. Findings of civilian review boards.
 - 3. Final dispositions of any investigations.
 - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the University of California Irvine Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

1008.15.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 - 1. A narrative of the allegations
 - 2. Date and time of incidents
 - 3. Location of occurrence
 - 4. Any witness information, if available
 - 5. Summary of arrest or indictment of involved officer

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- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

1008.15.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 - 1. The Department shall provide the name of the body conducting the proceeding.
 - 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
 - 1. The name of the court having jurisdiction over the criminal charges against the officer.
 - 2. The status of the criminal case, if known.

Personnel Records

1009.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1009.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1009.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

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- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (c) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

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- (d) Commendations and awards.
- (e) Training certificates
- (f) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

DIVISION OF FINANCE & ADMINISTRATION (DF&A) HUMAN RESOURCES

- (a) Election of employee benefits.
- (b) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (c) Original performance evaluations. These should be permanently retained.
- (d) Commendations and awards.
- (e) Training certificates
- (f) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1009.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1009.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The participant will submit one copy of their certificate of completion, the day they return to work, to the Senior Analyst to the Chief for retention in the employee's training file.
- (b) The Senior Analyst to the Chief shall ensure that copies of such training records are placed in the member's training file.

1009.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs 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 Internal Affairs Unit supervisor.

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These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1009.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1009.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

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Nothing in this policy is intended to preclude review of personnel records by the Associate Vice Chancellor General Counsel or other attorneys or representatives of the University in connection with official business.

1009.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1009.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1009.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1009.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

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1009.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1009.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

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- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1009.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 1. The discharge of a firearm at another person by an officer.
 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.

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3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
 3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
 4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1009.11.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly

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outweighs the strong public interest in records about possible misconduct and use of force

- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1009.11.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges
 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
 1. Disclosure may be delayed until:
 - (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1009.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

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- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 - 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
 - (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

Smoking and Tobacco Use

1010.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in University of California Irvine Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1010.2 POLICY

The University of California Irvine Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1010.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the University of California Irvine Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside University facilities and vehicles.

1010.4 ADDITIONAL PROHIBITIONS

No person shall use any tobacco products on any University of California, Irvine property.

Anti-Retaliation

1011.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1011.2 POLICY

The University of California Irvine Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1011.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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Anti-Retaliation

1011.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1011.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the University Director of Human Services.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1011.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

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- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1011.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1011.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

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1011.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1011.8 RECORDS RETENTION AND RELEASE

The Records Analyst shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1011.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1012.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1012.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Reporting of Employee Convictions

1013.1 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.

1013.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1013.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1013.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly, and no later than 24 hours, notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly, and no later than 24 hours, notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a

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domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1013.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1013.5.1 NOTIFICATION REQUIREMENTS

The Administrative Services Lieutenant shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administrative Services Lieutenant shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

Communicable Diseases

1014.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1014.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the University of California Irvine Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1014.2 POLICY

The University of California Irvine Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1014.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):

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- (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1014.4 EXPOSURE PREVENTION AND MITIGATION

1014.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

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- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1014.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1014.5 POST EXPOSURE

1014.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1014.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure

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- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1014.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1014.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1014.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status

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of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the General Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1014.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1014.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Sick Leave

1015.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the University personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1015.2 POLICY

It is the policy of the University of California Irvine Police Department to provide eligible employees with a sick leave benefit.

1015.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1015.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1015.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1015.5 REQUIRED NOTICES

The Administrative Director shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1015.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all University of California, Irvine employees that has been established by the Associate Vice Chancellor.

1016.1.1 MEAL PERIODS

Each employee is entitled to a 30 minute meal break, near the midpoint, for each eight hour work period; 40 minute meal break, near the midpoint, for each 10 hour work period; or 45 minute meal break, near the midpoint, for each 12 hour work period. Sworn employees, security officers, and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

All uniformed employees shall remain in their assigned areas, are subject to call, and shall monitor their radios. Uniformed personnel shall advise the Communications Center prior to taking a meal period and notify the Communications Center upon completion of the meal period. Patrol personnel must obtain supervisor approval to take their meal period outside the one mile jurisdiction of their assigned location at UCI or UCI Health Medical Center. A meal period and break period cannot be combined unless approved by the field supervisor on duty. No meal periods shall be taken during the first or last hour of an employee's shift, unless approved by a supervisor.

1016.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain near the police facility for their breaks. This would not prohibit them from taking a break outside the facility when on official business.

Uniformed officers will take their breaks in their assigned areas, subject to call and shall monitor their radios.

Lactation Break Policy

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

1017.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 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; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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1017.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

1017.5.1 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Overtime and Special Events

1018.1 PURPOSE AND SCOPE

To provide adequate staffing necessary for the efficient delivery of police services through a fair and equitable system of distributing overtime assignments.

Overtime procedures shall be established which will ensure adequate staffing for both voluntary and mandatory overtime assignments.

1018.2 PROCEDURE

The Operations Lieutenant or his designee will assign a primary Special Events Sergeant. The Operations Lieutenant or designee shall be responsible for assigning all overtime assignments for both patrol and special events to ensure overtime is fairly distributed in a consistent and accountable manner. The Operations Lieutenant's designee shall be responsible for handling the primary overtime scheduling only during the Operations Lieutenant's absence.

1018.2.1 SCHEDULING SERGEANT'S RESPONSIBILITIES

The Special Events Sergeant will maintain two separate overtime assignment reports " Voluntary and Mandatory. Each report shall include the following minimum information:

- (a) Nature of the overtime
- (b) Date of the overtime
- (c) Name of the employee(s) who volunteered and was/were assigned the overtime
- (d) Name of the Scheduling Sergeant who assigned the overtime
- (e) Date, time and notification method (phone call and/or text message) for mandatory assignments

1018.2.2 SCHEDULING SERGEANT'S RESPONSIBILITIES

The Special Events Sergeant is responsible for coordinating and posting all special event overtime assignments into the Overtime Sign-up Folder to ensure all eligible employees have equal access to volunteer for the overtime assignment.

When an overtime assignment is posted with less than seven days from the actual event, the Special Events Sergeant shall notify all employees as soon as practical, via a personal phone call and/or text message.

1018.3 VOLUNTARY OVERTIME ASSIGNMENT PROTOCOL

The assignment of voluntary special events and patrol overtime shall be based on the following:

- (a) The employee with the fewest number of voluntary overtime hours, as listed in the voluntary overtime assignment's record during the previous two week period and including future overtime already assigned, will receive the next overtime assignment if they desire to work it. The Operations Lieutenant shall not consider any mandatory overtime hours when assigning voluntary

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overtime. If officers have worked the same number of voluntary overtime hours in a two week period, the Operations Lieutenant will then review all the voluntary overtime assigned to those officers for the previous 30 days. If the officers still have the same number of overtime hours after reviewing the previous 30 days, then the overtime will be distributed on a seniority basis.

(b) If the employee(s) who have priority to work the overtime choose not to accept the assignment, then the Operations Lieutenant shall send a text message to all the employees when the overtime is posted with less than seven (7) days' notice. Employees who respond within the first fifteen minutes shall receive priority and assigned according to the voluntary assignment protocol. The mandatory overtime draft list will only be utilized if the assignment cannot be filled via the voluntary overtime procedure.

(c) The Department has the discretion to assign specific personnel to work an overtime event when that assignment requires/demands a specific expertise.

1018.3.1 LIMITATION ON HOURS WORKED

Absent emergency operational needs, members generally should not work more than:

- 16 hours in a one day (24 hour) period, or
- 30 hours in any two day (48 hour) period, or
- 84 hours in any seven day (168 hour) period

The hour limits listed above include the employee's regular work shift, overtime or a combination thereof. Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the work hours limits listed above.

1018.3.2 8-HOUR MINIMUM BREAK REQUIRED

An employee shall not work more than 16 consecutive hours without taking a minimum break of 8 hours between shift assignments, except during emergency situations or with prior approval of the Lieutenant, Assistant Chief or Chief of Police.

1018.3.3 OVERTIME POSTING

Voluntary overtime assignments will be posted into the Overtime Sign-up Folder as early as possible. When voluntary overtime is necessary, it is preferable that this overtime be posted at least two weeks prior to the assignment when the event is known.

1018.3.4 7-DAY POSTING PERIOD

Whenever possible, voluntary overtime assignments shall be posted into the Overtime Sing-up Folder for a minimum of 7 days, to allow interested employees to volunteer their names for consideration.

As soon as the 7 day posting period has ended, the Operations Lieutenant will assign the employees who volunteered for the overtime to the event or patrol shift. If there are not enough

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employees to fill a particular special event, patrol open shift or mutual aid requests, the Scheduling Sergeant shall immediately fill the open slots by following the mandatory overtime draft protocol below. The Lieutenant, Assistant Chief or the Chief of Police have the discretion to reduce the number of Officers requested for special events or mutual aid requests.

1018.3.5 ADJUSTMENT TO SCHEDULE

The Operations Lieutenant may allow sworn patrol personnel to adjust their regular patrol schedule to meet departmental and/or mutual aid staffing needs as long as such an adjustment will not cause the shift to fall below its minimum staffing levels; does not affect department operational needs; and does not jeopardize the department's ability to fill other UC Irvine special events' staffing needs (e.g., Shocktoberfest, Bren events).

1018.4 MANDATORY OVERTIME ASSIGNMENT PROTOCOL

According to Article 11 (Hours of Work), Subsection G (Assignment of Overtime) of the FUPOA labor agreement, "The University shall decide when overtime is needed and which employees will be assigned the overtime. The University shall notify the employee that overtime must be worked as soon as practicable after the need for overtime is determined. Employees shall work overtime when such work is assigned."

1018.4.1 7-DAY VOLUNTEER WAIT

Mandatory overtime assignments will generally be posted in the 3-ring overtime binder for voluntary sign-up for at least 7 days prior to the overtime assignment. If there are not enough volunteers, the Special Event Sergeant shall assign personnel to the assignment per the following mandatory draft list protocol.

1018.4.2 MANDATORY DRAFT LISTS

The Special Events Sergeant shall maintain two mandatory draft lists in ISE - one for Sergeants and one for Corporals & Officers (including all personnel in specialty assignments). The Sergeant's draft list will be used to fill mandatory Sergeant assignments. The Corporal's/Officer's draft list will be used to fill mandatory Officer assignments.

The mandatory draft list shall begin in the order of reverse seniority. The available employee, with least amount of UC Irvine Police Department seniority, will be selected to work the assignment and will be immediately notified via a direct phone call and/or text message.

Once an officer, corporal or sergeant work a mandatory overtime assignment, that employee's name will moved to the bottom position on the mandatory draft list. All of the other employees will move up to the next highest space on the list.

1018.4.3 MANDATORY OVERTIME EXEMPTION

Any officer, corporal or sergeant who has worked more than 20 hours of voluntary and/or mandatory overtime during the previous 30 day period from the date of mandatory overtime shall be exempt from the mandatory draft list for that particular mandatory overtime assignment, unless

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everyone has over 20 hours of overtime or no one else is available. Detectives are subject to the detective call-out protocols and not included on the mandatory draft list.

(a) If the Watch Commander is unable to contact the employee whose name is at the top of the mandatory draft list and no other on duty employee volunteers to cover the assignment, the Watch Commander may order an on-duty patrol officer to remain on duty for a period of 3 additional hours beyond their regular shift. The Watch Commander may also order one of the oncoming shift's employees to report for work at least 3 hours early for his/her next patrol shift to help fill the minimum patrol staffing requirements. This assignment would be considered as mandatory overtime.

(b) Due to the sometimes unpredictable nature of police work, it is possible that an exigent circumstance may require personnel to be called in to work with minimal or no prior notice.

(c) All sworn personnel shall remain on uncompensated and unrestricted on-call status when not on-duty. Policy mandates that employees are free to engage in activities for his/her own purpose, but are required to inform the department how he/she can be reached.

(d) Sworn personnel shall respond within a reasonable period of time (15 minutes) to a mandatory overtime text when he/she receives one and shall make every effort to report to duty for his/her mandatory overtime assignment.

(e) If an employee is unable to report for a mandatory overtime assignment, he/she shall complete a written report (memorandum or email) explaining why they were unable or unavailable to fulfill their mandatory overtime assignment. Further, he/she shall remain at the top of the draft list until they fulfill their mandatory overtime assignment obligation. Employees who are consistently unavailable to fulfill their mandatory overtime assignment may be subject to disciplinary action.

1018.5 OVERTIME SUPERVISOR RESPONSIBILITIES

Supervisors who are assigned to work a mandatory overtime assignments shall:

(a) Inspect and brief officers assigned when the assignment starts;

(b) Advise the Watch Commander that all officers assigned to the assignment are present and accounted for;

(c) Coordinate a replacement employee if one of the assigned personnel fail to report for duty as ordered;

(d) Advise Dispatch, by radio, of the beginning of the mandatory assignment or any portion thereof; and

(e) Complete an after-action report, including the failure of personnel to report for duty (if applicable) and any reportable activity; approve the officers' overtime time sheets. If a supervisor is not assigned to the overtime event or patrol shift, the Watch Commander is responsible for approving all overtime time sheets.

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1018.6 ASSIGNED EMPLOYEE'S RESPONSIBILITIES

Employees assigned to work mandatory overtime assignments shall:

- (a) Initial the 3-ring binder copy of the overtime sheet to acknowledge receipt of the assignment.
- (b) Notify the Scheduling Sergeant or Watch Commander if unable to work the assignment due to an unforeseen emergency or illness.
- (c) If the assigned Officers are unable to fulfill the assignment it will be their responsibility to contact the Scheduling Sergeant for approval to find a replacement. Priority to fill the assignment will be given to those that originally signed-up for the event. If they are no longer interested a text message will sent to Department personnel offering the assignment.
- (d) Report to the supervisor in charge of the overtime assignment at the event location at the scheduled start time. When a supervisor has not been specifically assigned to the event, the employee will report directly to the Watch Commander.
- (e) When a supervisor has not been assigned to an event, the senior officer or corporal assigned to work the event is responsible for completing the after-action report and must submit it to the on duty Watch Commander.
- (f) All reports and other paperwork generated during an overtime assignment shall be turned in to the overtime supervisor or Watch Commander (if there isn't an event supervisor) prior to going off duty. If paperwork cannot be completed prior to the event's normal ending time, the employee responsible for turning in the required paperwork must receive supervisory approval to complete the paperwork beyond the event ending time.

Overtime Compensation Requests

1019.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1019.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

1019.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative Services Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1019.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

1019.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Lieutenant for final approval.

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Overtime Compensation Requests

1019.2.3 LIEUTENANTS RESPONSIBILITY

Lieutenants, after approving payment, will then forward the form to the Chief of Police for review.

1019.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1019.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1019.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

Outside Employment

1020.1 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.

1020.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1020.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police or their designee. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate Division Manager who shall review and forward to the Assistant Chief for review and final approval.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1020.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1020.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

1020.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient.

1020.3.1 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

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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.

1020.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1020.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1020.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

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1020.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1020.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1020.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the University's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

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When the disabled member returns to full duty with the University of California Irvine Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1021.2 POLICY

The University of California Irvine Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1021.3 RESPONSIBILITIES

1021.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1021.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related University wide disease or injury reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1021.3.3 LIEUTENANT RESPONSIBILITIES

The Lieutenant who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the University's risk management entity, and the Administrative Services Lieutenant to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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1021.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1021.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Lieutenant through the chain of command and a copy sent to the Services Division Lieutenant.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1021.5 SCHEDULING OF MEDICAL TREATMENT FOR ON-DUTY INJURIES

Time spent by an employee receiving medical attention during the employee's normal working hours is considered hours worked and compensable if the appointment or medical care is required and scheduled by the University. Medical treatment occurring after an employee's normal working hours is not considered hours worked and is not compensable.

When an employee is temporarily totally disabled due to an on-duty injury and is unable to perform even limited duty in the workplace, all appointments and follow-up medical care shall be considered as occurring during normal working hours. The employee shall not be entitled to any additional compensation regardless of the employee's regular work schedule or the type of compensation currently received, except as otherwise required by law.

When an employee has been released to either full or limited duty and has returned to the workplace, time spent receiving ongoing medical treatments is not considered hours worked and therefore, is not compensable. To avoid disruption in the workplace, an employee shall schedule such appointments to occur during off duty hours whenever possible. In the event such scheduling is not available, the employee may be allowed to attend an appointment during their regularly scheduled duty shift with prior supervisory approval. Regular recurring appointments, such as weekly physical therapy, must be scheduled during off duty hours.

1021.6 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1021.6.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall

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the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the University to determine whether the offered settlement will affect any claim the University may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the University's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1022.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1022.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1022.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1022.2.2 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.

1022.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1022.2.4 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.

1022.2.5 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.

1022.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.

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- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1022.3 TATTOOS

While on-duty or representing the Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1022.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

1022.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniform Regulations

1023.1 PURPOSE AND SCOPE

The uniform policy of the University of California Irvine Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The University of California Irvine 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.

1023.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment (Penal Code § 13655).
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

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- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
 - 1. Wrist watch
 - 2. Wedding ring, class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
 - 3. Medical alert bracelet

1023.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Lieutenant.

1023.3 UNIFORM CLASSES

1023.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie
- (b) Polished shoes

Boots with pointed toes are not permitted.

1023.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required
- (b) A black crew neck t-shirt must be worn with the uniform
- (c) All shirt buttons must remain buttoned except for the last button at the neck
- (d) Shoes for the Class B uniform may be as described in the Class A uniform

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- (e) Approved all black unpolished shoes may be worn
- (f) Boots with pointed toes are not permitted

1023.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1023.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1023.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1023.3.6 LOAD BEARING VEST SHIRT

The PDU shirt may be established to allow field personnel an alternative Class C uniform. The Chief established the specifications and conditions for wearing the PDU. The PDU may only be worn under an external, department-issued vest carrier. The approved specifications for the PDU load bearing vest carrier uniform shirt include:

- Short sleeve or long sleeve.
- Color - Midnight Blue.
- Knit lower body with moisture wicking and anti-microbial material and an upper body which is Teflon treated for stain resistance.

1023.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

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- (e) Assignment Insignias - Assignment insignias, (CPL, FTO, SRT etc.) may be worn as designated by the Chief of Police.
- (f) Flag Pin - A flag pin may be worn, centered above the nameplate.
- (g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1023.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1023.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
 1. T-shirt alone
 2. Open toed sandals or thongs
 3. Swimsuit, tube tops, or halter-tops
 4. Spandex type pants or see-through clothing
 5. Distasteful printed slogans, buttons or pins

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- (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 University of California Irvine Police Department or the morale of the employees.

1023.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, University of California Irvine 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 University of California Irvine 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.

1023.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1023.7.1 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the University of California Irvine Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

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A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the University of California Irvine Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1023.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

University of California Irvine 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.

University of California Irvine 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.

Department Badges

1024.1 PURPOSE AND SCOPE

The University of California Irvine Police Department badge and uniform patch as well as the likeness of these items and the name of the University of California Irvine Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1024.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1024.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the University of California Irvine Police Department with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.
- (e) Probationary officers are not authorized to purchase a flat badge until the successful completion of their probationary period.

1024.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1024.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1024.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1024.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the University of California Irvine Police Department. The following modifications shall be included:
 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

Nepotism and Conflicting Relationships

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

This policy applies to all employees of the department including sworn and professional staff, full and part-time staff. All employees of the University are also subject to other applicable policies, including but not limited to UC Irvine §Sec. 700-16: Policy on Conflicts of Interest Created By Consensual Relationships and PPSM-21 Selection and Recruitment (discussing “Near Relative” Policy). This policy is not intended to supersede those policies or any applicable collective bargaining agreement but rather is intended to be consistent with University policy.

1025.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee’s annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee’s action, inaction or decisions are or may be influenced by the employee’s personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee’s parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

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1025.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.
- (f) Employees who are in a training and/or probationary status are strongly discouraged from attending off-duty social events with other members of the Police Department. Employees who have a personal relationship may not work on the same shift or overlapping shift; however, they may work overtime on the same shift, and work special details together.
- (g) This policy does not prohibit the Department from assigning employees, regardless of personal relationship, to a shift or assignment to meet the operational needs of the department as designated by the Chief of Police or their designee. However, every attempt will be made to limit such designation to operational needs.

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- (h) Personal relationships between a supervisor and a subordinate may lead to actual or potential problems of supervision, favoritism, morale, misunderstandings, safety, conflicts of interest, or claims of discrimination, including sexual harassment. Hence, supervisors and subordinate employees are prohibited from engaging in personal relationships where there is direct or indirect supervision.

1025.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninformed, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninformed, immediate supervisor. In the event that no uninformed supervisor is immediately available, the employee shall promptly notify dispatch to have another uninformed employee either relieve the involved employee or minimally remain present to witness the action.

1025.2.2 DUTY TO NOTIFY

It shall be a member's responsibility who enters into a personal relationship to notify the Chief of Police or the Assistant Chief within 24 hours if entering into that relationship would cause that member to violate any portion of this policy (i.e. begin a dating relationship when assigned to the same shift, etc.)

Once the Chief of Police becomes aware of the relationship between Department members, appropriate action will be taken, in consultation with HR, to eliminate any actual or potential conflict of interest.

1025.2.3 ENFORCEMENT

The Department reserves that right to investigate whether breaches of this policy are occurring or have occurred, and to take appropriate corrective action against one or both of the parties involved in what is determined to be conduct in breach of this policy.

For reports of conflicts of interest created by consensual relationships, the Department will forward the report to the UCI Sexual Harassment/Title IX Officer (SHO) in OEOD. The UCI Sexual Harassment/Title IX Officer (SHO) is the designated resource for resolution of complaints under UC Irvine Sec. §700-16: Policy on Conflicts of Interest Created By Consensual Relationships and complaints will be processed using the procedures for sexual harassment complaints. Reports of violations of the Near Relative Policy should be referred to Human Resources.

1025.2.4 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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1025.2.5 POLICY EXCLUSIONS

The Chief or their designee is empowered to review and, where appropriate, authorize exceptions to this policy.

Illness and Injury Prevention

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the University of California Irvine Police Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Universitywide safety efforts.

1026.2 POLICY

The University of California Irvine Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1026.3 ILLNESS AND INJURY PREVENTION PLAN

The Services Division Lieutenant is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 - (a) Meet regularly.
 - (b) Prepare a written record of safety and health committee meetings.
 - (c) Review the results of periodic scheduled inspections.
 - (d) Review investigations of accidents and exposures.
 - (e) Make suggestions to command staff for the prevention of future incidents.
 - (f) Review investigations of alleged hazardous conditions.
 - (g) Submit recommendations to assist in the evaluation of member safety suggestions.
 - (h) Assess the effectiveness of efforts made by the Department to meet relevant standards.

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- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

1026.4 SERVICES DIVISION LIEUTENANT RESPONSIBILITIES

The responsibilities of the UCI Environmental Health & Safety Department include, but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
 - (a) Informing members of the illness and injury prevention guidelines.
 - (b) Recognizing members who perform safe work practices.
 - (c) Ensuring that the member evaluation process includes member safety performance.
 - (d) Ensuring department compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR § 5144)
 - (b) Blood borne pathogens (8 CCR § 5193)
 - (c) Aerosol transmissible diseases (8 CCR § 5199)
 - (d) Heat illness (8 CCR § 3395)
 - (e) Emergency Action Plan (8 CCR § 3220)
 - (f) Fire Prevention Plan (8 CCR § 3221)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

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- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1026.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Lieutenant.
- (e) Notifying the Administrative Services Lieutenant when:
 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 2. New, previously unidentified hazards are recognized.
 3. Occupational illnesses and injuries occur.
 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 5. Workplace conditions warrant an inspection.

1026.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administrative Services Lieutenant via the chain of command.

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The Services Division Lieutenant will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1026.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administrative Services Lieutenant shall ensure that the appropriate documentation is completed for each inspection.

1026.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1026.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1026.9 TRAINING

The Services Division Lieutenant should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1026.9.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of blood borne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1026.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Employee Speech, Expression and Social Networking

1027.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1027.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1027.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the University of California Irvine Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1027.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the University of California Irvine Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1027.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the department's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the University of California Irvine Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the University of California Irvine Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the University of California Irvine Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the University of California Irvine Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the University

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of California Irvine Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1027.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the University of California Irvine Police Department or identify themselves in any way that could be reasonably perceived as representing the University of California Irvine Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the University of California Irvine Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1027.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

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The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1027.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1027.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Temporary Modified-Duty Assignments

1028.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, University rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1028.2 POLICY

Subject to operational considerations, the University of California Irvine Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1028.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the University of California Irvine Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1028.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Lieutenants or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Lieutenant will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the General Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Lieutenant, with notice to the Chief of Police.

1028.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Lieutenant.

1028.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Lieutenant that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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1028.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Lieutenant of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Lieutenant and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1028.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1028.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

1028.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the University's personnel rules and regulations regarding family and medical care leave.

1028.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1028.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees

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who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Line-of-Duty Deaths

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the University of California Irvine Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1029.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1029.2 POLICY

It is the policy of the University of California Irvine Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1029.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and the Communications Center.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Watch Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1029.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other University of California Irvine Police Department members may be apprised that survivor notifications are complete.

1029.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1029.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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1029.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1029.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Lieutenant or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1029.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 1. The survivors and others whose presence is requested by the survivors.
 2. Department members and friends of the deceased member.
 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or University of California Irvine Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1029.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Lieutenant. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (Chancellor's Office - Office of Strategic Communications and Public Affairs) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

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- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1029.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive wellness support.
- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.

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- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1029.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler
 - 3. Uniform for burial
 - 4. Flag presentation
 - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1029.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many University of California Irvine Police Department members can attend funeral services as possible.

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The mutual aid coordinator should perform the coordinator's duties in accordance with the Outside Agency Assistance Policy.

1029.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 1. Public Safety Officers' Benefits (PSOB) Programs.
 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 3. Social Security Administration.
 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits, such as:
 1. Education benefits (Education Code § 68120).
 2. Health benefits (Labor Code § 4856).
 3. Worker's compensation death benefit (Labor Code § 4702).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 1. Private foundation survivor benefits programs.
 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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1029.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1029.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's Chancellor's Office - Office of Strategic Communications and Public Affairs should be the department's contact point for the media. As such, the Chancellor's Office - Office of Strategic Communications and Public Affairs should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the Chancellor's Office - Office of Strategic Communications and Public Affairs.
- (c) Prepare necessary press releases.
 - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

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- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the Chancellor's Office - Office of Strategic Communications and Public Affairs should request that the media withhold the information from release until proper notification can be made to survivors. The Chancellor's Office - Office of Strategic Communications and Public Affairs should ensure that media are notified when survivor notifications have been made.

1029.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1029.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1029.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1029.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Community Feedback

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to recognize the role that public confidence plays in our relationship with the community. Trust and accountability play a significant role in public confidence, as does the opportunity for the community to provide timely feedback on the services provided by its Police Department.

Through community feedback and interaction, the department can better align its services with community expectations and values and strive to maintain a climate of equity and justice in alignment with inclusive excellence.

The survey was not designed to solicit complaints but rather to identify trends that indicate when we are doing well or have opportunities to improve. The brevity and easy access to the survey is designed to provide feedback in just a few minutes.

This feedback will help drive continuous improvement that will reflect the needs and values of our diverse campus community. To accomplish and encourage feedback and engagement, it is important for community members who come into contact with our members to know their name, contact information, and reason for contact. Equally as important is knowing how feedback can be provided.

1030.2 POLICY

It is the policy of the University of California, Irvine Police Department (UCIPD) to employ systems that allow the community to provide real-time feedback on the services received from its members. These systems shall include at a minimum:

- (a) Business cards with a QR code that links users to the feedback survey;
- (b) UCIPD website that provides community members with a link to an online survey tool;
- (c) Automated Systems linked with the Computer-Aided Dispatch (CAD) and Records Management Systems (RMS) that utilize SMS or email messaging to survey community members who contact UCIPD for services;
- (d) QR code posted in the UCIPD lobby that provides community members a direct link to the feedback survey.

1030.3 BUSINESS/CONTACT CARD REQUIREMENT

In accordance with UC Community Safety Plan 1.5*, all members should proactively provide their business card at the conclusion of their contact/call for service. If the card cannot be handed out, an effort will be made to provide information through other means (email, website or social media).

The business card will contain the QR code to link to the survey, website link to provide feedback email address and phone number to ask any questions, member's name, and case number (if applicable).

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Exceptions to the requirement are when in the officer's judgment, providing the card would jeopardize their safety or the safety of the public, or in an urgent or emerging crisis, including but not limited to:

- (a) Foot pursuits;
- (b) Arrests ;
- (c) In-custody transports;
- (d) Uses of force;
- (e) Forced entry search warrants and tactical deployments;
- (f) Crowd Management events;
- (g) Other investigative or enforcement activities were in the officer's judgment it would jeopardize their safety or the safety of the public.

*Section 1.5 of the UC Community Safety Plan provides that "[e]xcept in urgent or emerging crises where it poses a safety risk, all campus safety service providers will proactively provide their name, contact information, reason for stop or call response, and prior to the conclusion of their contact, will confirm how feedback can be sent."

1030.4 SURVEY MEASUREMENTS

Where possible, the survey will measure/collect information on the nature of the contact, satisfaction of the contact, opportunity for additional comments, and their overall general feeling about safety and security on the UCI campus.

1030.5 AUDITS

Division Managers will be responsible for monitoring the feedback on an ongoing basis and providing feedback to departmental personnel when warranted, tracking their follow-up on the feedback received and sharing those actions with the Services Lieutenant for the annual report.

The Services Lieutenant will submit an annual report to the Chief of Police no later than February 1st for the previous calendar year. A report will be published on the UCIPD website. The report should include the following:

- (a) The total number of survey responses received;
- (b) Total number of survey responses sent out;
- (c) Trends (if any);
- (d) Satisfaction of service in the categories data is collected;
- (e) Trends or Improvements made in service as a result of feedback (if needed).

Wellness Program

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Wellness Ambassadors – volunteers at UCI who help create a culture of whole-person wellness in the workplace by promoting employee participation and engagement in Wellness programs, services, and events. **Wellness Ambassadors do not have a legal privilege regarding their communications with agency members as part of this program.**

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

1031.2 POLICY

It is the policy of the University of California Irvine Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1031.3 WELLNESS LIAISON

The Chief of Police shall designate a department Wellness Liaison who will coordinate the Wellness Ambassadors and facilitate CISDs.

1031.4 UCI WELLNESS AMBASSADORS

Employees interested in being a Wellness Ambassador should contact their supervisor who will coordinate appointments with the department's Wellness Liaison. The UCI Wellness Ambassadors are responsible for addressing and facilitating resources for the physical, mental, and financial resiliency for both sworn and professional staff. The ambassadors collaborate with advisors (e.g., legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

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- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, and physical fitness trainers holding accredited certifications).
 - 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 - 2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Verifying members have reasonable access to peer support.
- (c) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (d) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 - 1. Obtaining a written description of the program services.
 - 2. Providing for the methods to obtain program services.
- (e) Maintain as voluntary a Fitness and Wellness Program for all employees designed to motivate individuals to practice better health and become more physically fit, offering seminars and health evaluations to employees and their families. Employees are urged to participate in the program, as there is generally no cost to participate in any of the services provided.
- (f) In support of overall physical wellness, the department offers and encourages employees to use the department's facilities (UCI Anteater Recreation Center) and programs to improve nutrition habits and maintain physical strength and flexibility. As an additional benefit, sworn and dispatchers have access to, without cost, the UCI Anteater Recreation Center.

1031.5 PARTICIPATION WHILE ON DUTY

All department personnel are encouraged to participate in the UCI HR Wellness program, but must be approved to participate while on-duty. Sworn supervisors must ensure that there are enough officers in the field and available to respond to calls for service at all times. Professional staff supervisors may approve participation based on the employee's respective workload. All supervisors may deny participation if they deem the operational needs of the Department and/or public safety will be adversely affected.

The Chief of Police has authorized Sworn Personnel to do physical training (PT) at the Anteater Recreation Center on-duty under the following conditions:

- (a) **SWORN PERSONNEL**
 - 1. Sworn employees are authorized to use the PT facility for one hour each day (this includes the time it takes to shower and dress).
 - 2. Use of the Department's fitness facility must first be approved by the on-duty Watch Commander.

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3. Officers who are on "PT" time shall be available to respond to all emergency calls for service.
4. Officers who walk or jog during their PT time shall carry their department radio at all times and will monitor radio traffic.
5. Officers may not utilize PT time during the first or last hour of their shift.

1031.6 FITNESS ALLOWANCE

An annual allowance of \$800 (eight-hundred dollars) shall be paid on July 1st to the employees who are in the unit at the time of disbursement. The purpose of the allowance is to provide Officers the ability to conduct individual health screenings, physical fitness assessments, and/or other resources needed to maintain proper fitness and physical health and energy. All deductions from the lump-sum payment for the fitness allowance shall be in accordance with state and federal law.

Chapter 11 - UCI Health

Morgue Release

1100.1 PURPOSE AND SCOPE

The various regulatory agencies governing hospitals require policies pertaining to the reporting of deaths and proper handling of assets temporarily in their custody. The UCI Health Staffing Patient Placement Office (SPPO) maintains primary responsibility for decedent affairs and coordination of morgue releases.

The UCI Health Public Safety Responders are assigned to assist in releasing deceased bodies to mortuaries or public health authorities when SPPO personnel are unavailable. Generally, this type of call for service occurs after hours, on the weekends, on holidays, or at the request of the hospital house supervisor.

1100.2 MORGUE AND CONEX BOX RELEASE PROCEDURES

The Public Safety Responder (PSR) will provide the mortuary staff, UC staff, and/or verified public health authorities (example: Orange County Sheriff-Coroner) with entry to the morgue or conex box when requested by SPPO or hospital house supervisor.

The following procedures shall be followed when releasing a deceased body from the morgue, conex box, or any other location of the decedent at UCI Health:

- (a) Confirm mortuary employee has completed the proper release forms with SPPO;
- (b) Escort mortuary employee into the morgue or conex box;
- (c) Remain present until release is complete;
- (d) Locate the deceased patient's name on hospital's log;
- (e) Locate the deceased patient's nametag on Freezer (Morgue) or body bag (Conex Box);
- (f) Ensure mortuary employee signs hospital release log (Name and Company);
- (g) Public Safety Responder is to sign, initial, and date hospital release log;
- (h) Sign mortuary witness release form if applicable for vendor;
- (i) Prior to clearing the call, provide the name of the patient released and the name of the mortuary or public health authority that took custody of the body to UCIPD dispatch. UCIPD dispatch will then log the information into the incident by way of utilizing brackets ([]).

1100.3 SAFETY PRECAUTION

Public Safety Responders shall follow the safety measures below in order to avoid any injuries or exposures:

- (a) Public safety responders shall not attempt to lift deceased patients for mortuary staff or other authorized entities.
- (b) In the event that the mortuary employees cannot retrieve the body, the hospital lift team shall be contacted to provide support.

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Morgue Release

1100.4 REFERENCES

California Probate Code Sections §1145

California Health & Safety Code Sections §10175 and §7113

California Government Code Section §2749

California Code of Regulations Title §17

Emergency Code Gray Alarm Response

1101.1 PURPOSE AND SCOPE

To support a safe and inclusive healthcare environment for staff, patients, and visitors by providing an expedient Code Gray response by Public Safety to assist in de-escalating and managing a situation when an individual displays threatening, aggressive, combative, and/or violent behavior.

UCI Police Department maintains compliance with Centers for Medicare & Medicaid Services (CMS), California Department of Public Health (CDPH), and The Joint Commission (TJC) requirements for safety and security of patients, staff, and visitors. UCIPD reports these metrics into the Environment of Care (EC) committee.

1101.2 DEFINITION

Emergency Codes are used in healthcare facilities to alert staff to various emergency situations to reduce the risk of injury to staff, patients, and visitors. The use of these standardized codes, such as Code Gray is intended to convey essential information promptly to public safety personnel to activate a coordinated respond.

Code Gray is the emergency code activated by healthcare personnel who require an expedited Public Safety response to assist in de-escalating and controlling a threatening, aggressive, combative, and/or violent situation.

NOTE: If a weapon is involved, UCI Health personnel are trained to activate a Code Silver Response (Active Shooter) by calling 9-1-1 and following active shooter protocols (Run, Hide, Fight).

1101.3 CODE GRAY ACTIVATION

UCI Health employees confronted with or witnessing a combative situation are encouraged to initiate a Code Gray Alarm by activating a code gray device (button) and/or calling Public Safety by dialing 9-1-1 from any medical center phone or Irvine campus phone to report anyone actively displaying threatening, aggressive, combative, and/or violent behavior in a healthcare setting.

NOTE: Not all UCI Health facilities outside the medical center and Irvine campus have UCI Police or Public Safety personnel assigned on-site. For those facilities, dial 9-1-1 from any phone and request the local police department respond to the emergency. After dialing 9-1-1 and when safe to do so, notify the UCI Police by calling 714-456-5493.

1101.4 CODE GRAY ALARM RESPONSE

Upon the activation of a code gray alarm response, UCI Police Dispatch will dispatch at least two public safety responders (PSRs) to expeditiously respond to the location of the alarm. If PSRs are unavailable, a police officer will also be dispatched to the location. Upon arrival, the public safety personnel will assess the situation, and when possible shall initiate de-escalation measures to control the situation, stabilize the scene, and request additional resources if needed.

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Emergency Code Gray Alarm Response

1101.5 REFERENCES

UCI Health Workplace Violence Prevention Plan (PolicyStat ID 2721539)

UCI Health 'Code Silver' Policy (PolicyStat ID 1335364)

California Health and Safety Code, Chapter 2, Article 1 §1257.7

California Code of Regulations, Title 22, §70743, §70746

Occupational Safety and Health Administration (OSHA) §3148

Storage and Release of Patient Valuables

1102.1 PURPOSE AND SCOPE

The UCI Health Public Safety team is responsible to safely store and return patient valuable(s) upon discharge, and maintain chain of custody documentation.

UCI Health clinical personnel discourage patients from bringing valuables and non-essential belongings into the hospital. Patients are advised by UCI Health that the hospital is not responsible for lost, stolen, or damaged items that patient chooses to bring to the hospital and keep at bedside.

1102.2 DEFINITIONS

Valuables: Patient property such as computers, money, credit cards, jewelry, wallets, passports, phones, tablets, etc.

Essential Belongings: Items patients may require during hospitalization, such as prescription glasses/contacts, hearing aids, dentures, etc.

Non-Essential Belongings: Patient's personal property not required during hospitalization.

1102.3 PROHIBITED ITEMS

The following items will not be stored as patient valuables by the UCI Health Public Safety team:

- (a) Alcoholic beverages;
- (b) Perishable foods or any items that can spoil;
- (c) Tobacco products and lighters;
- (d) Clothing;
- (e) E-cigarettes;
- (f) Personal Medications;
- (g) Prescription Marijuana – UCI Health maintains a separate storage locker which healthcare personnel can request Public Safety to temporarily store prescription marijuana for a patient who is unable to provide it to a family member/friend upon entry to the hospital;
- (h) Knives – Are placed in a separate envelope by hospital staff, provided to public safety and stored for safe keeping by the UCI Health Public Safety Division pending discharge of the patient;
- (i) Firearms - All firearms shall only be collected by a UCI Police Officer and shall be stored for safekeeping at the UCI Police Department's Irvine campus police property/evidence room. Firearms will only be released to patient upon discharge following DOJ protocols.

Note:

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Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

1102.4 PROCEDURES

UCI healthcare personnel shall inventory all patient property and place the property into a patient valuable envelope, sealing the envelope with a completed inventory form attached to the exterior of the envelope. The envelope shall be sealed with property tape and initialed by the handling healthcare staff. Public Safety personnel will not inventory patient property.

UCI healthcare personnel will provide the sealed patient valuable envelope and completed property form to a public safety team member, who will document the date and time of receipt on the form and initial the seal on the envelope.

All sealed patient valuable envelopes will be stored for the patient pending discharge for up to 90 days at the Public Safety Operations Center (PSOC). Sealed patient valuable envelopes placed in the Emergency Department (ED2) secured drop box are generally relocated to the PSOC by public safety personnel after initial 24-hour period if the patient was not discharged.

UCI healthcare personnel notify the Public Safety personnel when they need to retrieve patient valuable envelope(s) upon a patient's discharge. Public Safety personnel document the date/time and healthcare staff member's name upon release of the property. It is the healthcare personnel's responsibility to open the sealed envelope in front of the patient and release the property.

Public Safety personnel will release property directly to a patient who may have previously been discharged and had not collected their property from the healthcare personnel before discharge.

If a patient claims their valuable(s) are missing and the public safety team is notified, a lost property report will be completed and investigated. Any such report will be provided to UCI Health Patient Experience for further administrative review and resolution with the patient.

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, the Public Safety Administrative Specialist 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

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Storage and Release of Patient Valuables

is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

The Public Safety Administrative Specialist shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form.

Chapter 12 - UC Gold Book

Introduction

1200.1 PURPOSE AND SCOPE

The University of California Police Department is constituted under statutory authority granted by the State of California to The Regents of the University of California. Under this authority, the University appoints Peace Officers with full peace officer status for the enforcement of law and the maintenance of security in and about areas controlled or administered by The Regents.

The Office of the President is responsible for the Universitywide coordination of certain University police services functions. This responsibility is executed through the Office of the Coordinator of Police Services and includes coordination of the development of employee selection, training and performance standards, collection and dissemination of crime prevention information, liaison with other agencies in the Criminal Justice System, organization planning for inter-campus mutual assistance and development of police services policies and standards. Responsibility for security and law enforcement at each campus is assigned to the Chancellors who are responsible for campus organization, operation, internal administration and discipline. The Chancellor, at each campus, has established a police or public safety department with responsibility for law enforcement and the protection of the lives and property of the general public, students, faculty, and staff.

The Universitywide Police Policies and Administrative Procedures underwent a full review in 2010. The effective date of this version of the Universitywide Police Policies and Administrative Procedures is January 7, 2011. The Systemwide Council of Chiefs shall review the policy annually for update purposes and shall conduct a full review at least every three years.

Emergency additions, deletions, or changes to the Universitywide Police Policies and Administrative Procedures may be required to address time sensitive or special occurrences or events. Emergency changes will be submitted to University of California Office of the President through the Coordinator of Police Services for review and approval. Any emergency changes that are approved shall be reviewed as part of the Council of Chiefs annual review process prior to incorporation into the Universitywide Police Policies and Administrative Procedures.

Letter of Promulgation

1201.1 PURPOSE

See attachment: [Letter of Promulgation.pdf](#)

Applicability

1202.1 EMPLOYEES

University of California Universitywide Police Policies and Administrative Procedures are published for the information and guidance of University of California Police Department employees on each of the ten campuses. Policies and procedures which refer to "employees," "personnel," or "members of the department" are applicable to all University of California Police Department employees, where appropriate.

1202.1.1 OFFICERS

Officers are University of California Police Department employees appointed pursuant to sections 1203.1.1 and 1203.1.2 of this manual. The terms "peace officer", "sworn personnel", "police officer" and "officer" are synonymous when used in this manual. Policies and procedures which refer to "officers" are applicable to all sworn personnel and informational for non-sworn personnel.

1202.1.2 DEPARTMENTAL POLICIES AND PROCEDURES

Each Chief of Police has the responsibility to adopt and publish policies and procedures for the assistance and guidance of the members of their individual campus police departments. Policies and Procedures for campus police departments issued by authority of the Chief of Police shall have the same authority as these Universitywide Police Policies and Administrative Procedures. Local regulations, including General and Special Orders, Procedural Memoranda and instructions may be written more restrictively than Universitywide Police Policies and Administrative Procedures, however they may not be written to supplant or diminish the Policies and Procedures contained within this Universitywide document.

1202.2 UNIVERSITY OF CALIFORNIA PERSONNEL POLICIES

University Police Officers are subject to the Federated University Police Officers Association (FUPOA) contract. Sergeants are subject to University of California Staff Personnel Policies. Police Lieutenants are subject to the University of California Administrative and Professional Program Personnel Policies, and Chiefs of Police and Assistant Chiefs of Police/Captains are subject to the University of California Management and Professional Program Personnel Policies. The applicable policies shall be made available to all personnel. Exceptions to the policies must be approved by the appropriate authority.

1202.3 COMPLIANCE

All employees of the University Police Department shall comply with applicable Universitywide Police Policies and Administrative Procedures as well as with policies and procedures issued locally at the campus, except where a policy or procedure is superseded by a collective bargaining agreement provision applicable to FUPOA members.

1202.3.1 FAILURE TO COMPLY

Failure to comply may result in corrective action or dismissal as provided by applicable University of California Personnel Policies.

Statutory Authority

1203.1 AUTHORITY: REGENTS - PEACE OFFICERS

The authority of The Regents to appoint peace officers and the extent of the authority of those officers is described in the Education and Penal Codes of the State of California.

1203.1.1 CALIFORNIA EDUCATION CODE, SECTION § 92600

"The Regents of the University of California are authorized and empowered to appoint one or more persons to be members of the University of California Police Department as such police department is constituted on September 19, 1947, or may thereafter be constituted. Persons employed and compensated as members of said police department, when so appointed and duly sworn, are peace officers; provided, that such officers shall not exercise their powers or authority except (a) upon the campuses of the University of California and an area within one mile of the exterior boundaries of each thereof, (b) in or about other grounds of properties owned, operated, controlled or administered by The Regents of the University of California and (c) as provided in Section §830.2 of the Penal Code."

1203.1.2 CALIFORNIA PENAL CODE, SECTION § 830.2

The following persons are peace officers whose authority extends to any place in the State..."(b) A member of the University of California Police Department appointed pursuant to Section §92600 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section §92600 of the Education Code..."

1203.1.3 CALIFORNIA EDUCATION CODE, SECTION § 92601

Badge of the University Police: "Every sworn member of the University of California Police Department shall be supplied with, and authorized to wear, a badge bearing the words, 'University of California Police.'"

1203.2 CONCURRENT JURISDICTION

Jurisdiction is shared with local law enforcement agencies. The county sheriff's department has concurrent jurisdiction on all campuses and upon all properties owned or controlled by the University located within the county. If the campus or property is located within a municipality, the city police department has concurrent jurisdiction.

1203.3 DELEGATION OF AUTHORITY

The Regents of the University of California are authorized and empowered by California Education Code Section §92600 to appoint peace officers. The Standing Orders of The Regents, 100.4 and 100.6, provide for the delegation of authority for governance of the University to the President and for the governance of a campus to each Chancellor.

Police Personnel, Organization

1204.1 DEFINITIONS

A police department is an organizational unit with authority as provided under section §830.2 (b) of the California Penal Code and section §92600 of the California Education Code.

1204.1.1 POLICE SYSTEM

The term "University of California Police Department" may be used to describe the Universitywide police units collectively, except for the purpose of applying applicable Personnel Policies, or the police organization on a campus.

1204.1.2 SYSTEMWIDE COUNCIL OF CHIEFS

The Systemwide Council of Chiefs is a duly constituted body consisting of the Chiefs of Police of the ten campuses. The Council meets on a regular basis for the purpose of establishing liaison, reviewing University Police issues, and promulgating policy and procedures through the Office of Employee and Labor Relations.

1204.1.3 COORDINATOR - POLICE SERVICES

The Coordinator - Police Services is appointed by the Executive Vice President - Business Operations to serve a three year term. The Coordinator must be a Chief of Police and has responsibility to:

- (a) Coordinate development and dissemination of University policies, procedures and professional standards for police services;
- (b) Provide for dissemination and inter-campus exchange of information regarding police and security services;
- (c) Serve as liaison with community, state and other law enforcement agencies.

1204.1.4 CHIEF'S COUNCIL - DECISION MAKING MODEL

The University of California Chief's Council (Council) as defined in section 1204.1.2 serves the purpose of system-wide communication and liaison among the ten campus police organizations, review of University police issues, and promulgation of policy and procedures. The Council operates as a collaborative information sharing and problem solving body and on occasion is called upon to make decisions having system-wide impact. To assist in meeting these responsibilities, the Council has adopted the following decision-making process:

- a. Consensus
 - i. The Council recognizes that the effectiveness of the Council depends upon the support of its members. The Council shall strive to gain the support of all members through consensus prior to final decision-making.
 - ii. Consensus decision-making requires flexibility on the part of members, recognizing that a member does not have to enthusiastically support a decision, but must be able to abide by the group decision.

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- iii. Consensus also requires the active participation of all members, including sharing information, interests, ideas, and opinions.
- b. Robert's Rule of Order
 - i. If the Council is unable to reach consensus on a particular issue, Roberts# Rules of Order (revised) shall govern any point of parliamentary procedure not addressed in the UC System-wide Policies.
- c. Decisions Requiring a Vote
 - i. Council determinations, actions, resolution and recommendations that have system-wide impact shall be determined by a majority vote, following an effort to reach consensus on the question being considered.
- d. Member Votes
 - i. Every member shall have one vote.
 - ii. Decisions must be authorized by a majority of the quorum present at the meeting.
 - iii. Any member may request a vote on a Council decision.
 - iv. Any member may request that their vote be recorded.
- e. Quorum
 - i. Decisions shall be made at meetings where there is a quorum.
 - ii. A quorum shall consist of a majority of the Council membership (current filled positions).
 - iii. The quorum shall be adjusted during the year if a position is vacant or if a vacant position is filled.

1204.2 ORGANIZATION AND CHAIN OF COMMAND - RESPONSIBILITY

The University of California Police Department is organized by the Chief of Police on each campus who is responsible for establishing a Chain of Command.

1204.2.1 CHAIN OF COMMAND - PUBLICATION OF

The Chief of Police shall publish a General Order/Departmental Policy or Procedure establishing the Chain of Command.

1204.2.2 CHAIN OF COMMAND - ADHERENCE TO

All sworn personnel shall follow the established Chain of Command in carrying out their responsibilities.

1204.3 RESPONSIBILITIES OF SWORN PERSONNEL

The responsibilities of each rank in the police department are described in the following subsections.

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1204.3.1 CHIEF OF POLICE

Under the general administrative direction of the Vice Chancellor or administrator responsible for police, the Chief of Police shall be responsible for and has commensurate authority to command, direct, and organize a police department on a University of California campus. This includes establishing objectives for the department; developing department policies and procedures; preparing the budget; and selecting, appointing, training, disciplining, and promoting officers and employees in the department.

1204.3.2 ASSISTANT CHIEF OF POLICE/CAPTAIN

Under the general direction of the Chief of Police, an Assistant Chief of Police/Captain may be assigned the management of two or more divisions or units within the department and shall be responsible to provide assistance to the Chief of Police in the development and administration of departmental policies and procedures, managing the department budget and other administrative duties assigned. Second in rank to the Chief of Police, an Assistant Chief of Police/Captain shall assume full responsibility for command of the department in the absence of the Chief, in accordance with the Chain of Command established by the Chief. Generally, within the University of California Police Department, Assistant Chiefs of Police and Captains are considered to be of equal rank, with the differences reflecting working-title conventions of the geographic area or the operational needs of the campus. Depending on operational needs, a campus may make distinctions between the ranks if necessary, with the Captain reporting to the Assistant Chief.

1204.3.3 LIEUTENANT

In addition to the general and individual responsibilities of each officer, a Lieutenant shall be responsible for:

- (a) Planning, directing and managing the assigned activities of a division or unit of the department;
- (b) Initiating administrative and command leadership when such action is necessary to fulfill a functional police responsibility;
- (c) Disseminating orders, policies and procedures to all assigned personnel;
- (d) Ensuring the adherence to these policies and procedures and the proper performance of duties by each member of a division or unit;
- (e) Making recommendations concerning the hiring, disciplining and terminating of employees of the department;
- (f) Enforcing rules and regulations among assigned personnel;
- (g) Reporting violations of policies and procedures;
- (h) The immediate relief or suspension from duty of any employee of the department when it is necessary to protect the welfare of the employee, the integrity of the department, or the safety of the campus community as provided for in these regulations and in accordance with applicable University Policies;
- (i) Providing continuous command and supervision in the absence of the Chief of Police;

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- (j) Performing related duties as assigned by the Chief of Police.

1204.3.4 SERGEANT

In addition to the general and individual responsibilities of each officer, a Sergeant shall also be responsible for:

- (a) Inspecting, scheduling and supervising the activities of assigned personnel;
- (b) Disseminating orders, policies and procedures to all assigned personnel;
- (c) Ensuring the adherence to these policies and procedures and the proper performance of assigned duties by all assigned personnel;
- (d) Enforcing rules, regulations and policies with all assigned personnel;
- (e) Reporting violations of policies and procedures;
- (f) Initiating the immediate relief or suspension from duty of any officer or employee of the department when it is necessary to protect the welfare of the employee, the integrity of the department, or the safety of the campus community as provided for in these regulations and in accordance with applicable University Policies;
- (g) Making recommendations, as requested, for hiring, disciplining and terminating employees of the department;
- (h) Working closely with and providing leadership to employees;
- (i) Providing functional supervision for employees not directly under the sergeant's supervision;
- (j) Providing job training to ensure proper performance by assigned personnel;
- (k) Providing necessary command in the absence of a ranking officer;
- (l) Working such hours or performing such tasks as are assigned by a ranking officer;
- (m) Performing related duties as assigned.

1204.3.5 INDIVIDUAL RESPONSIBILITIES OF OFFICERS

All sworn personnel of the department are individually responsible for:

- (a) The proper execution of assigned duties;
- (b) The prevention of crime;
- (c) The suppression of crime;
- (d) The enforcement of laws;
- (e) The arrest of offenders;
- (f) Maintenance of proper public relations;
- (g) Maintenance of discipline;
- (h) Adherence to rules, regulations, orders and departmental procedures and policies;
- (i) Enforcement of rules, regulations, orders, policies, and procedures among junior officers and employees;

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- (j) Policies and administrative procedures, criminal statutes or any other misbehavior committed by another employee of the department; Universitywide Reporting promptly through the chain-of-command any violation of
- (k) Initiating police action when necessary;
- (l) The proper maintenance, use and operation of facilities, materials supplies and assigned equipment;
- (m) Promoting University Police morale;
- (n) Working such hours and performing such tasks as are assigned by a ranking officer;
- (o) Related duties as assigned.

1204.3.6 GENERAL RESPONSIBILITIES OF EMPLOYEES

It is the duty and responsibility of each employee to fulfill to the greatest possible extent the functions of the University Police and to perform to the best of the employee's ability those duties assigned by a supervisor.

1204.3.7 RANKING OFFICER

When two or more officers are on duty together, the officer of the highest rank is in command and will be held responsible. For a special detail, and for a specified period, an officer may be designated by the commanding officer to take command without regard to rank. The assigned officer is to be considered the ranking officer when other officers are dispatched to assist.

1204.3.8 AUTHORITY OF SUPERVISORS

Officers who hold a supervisory rank or designation within a department have authority over all subordinates.

Administrative Communications

1205.1 ORDERS

Orders are instructions issued by a ranking employee having supervisory responsibility in a department. Orders may be oral or written. In orders, the word shall is considered to mean mandatory; may is considered to mean permissive; should is considered to mean advisory. Orders in the plural include the singular.

1205.1.1 UNIVERSITY POLICE ORDER

University Police Order is a term that describes the following: Universitywide Police Policies and Administrative Procedures; General Orders; Special Orders; Administrative Orders; Departmental Memoranda; Standard Operating Procedures and Departmental Manuals; as well as instructions, written or oral, issued by a ranking employee.

- (a) All orders issued are to be presumed lawful;
- (b) Employees shall comply with all lawful orders promptly;
- (c) No supervisor shall knowingly issue an order which is in violation of any law, University policy, procedure or regulation.

1205.1.2 GENERAL ORDER/DEPARTMENTAL POLICY AND PROCEDURE

For the purposes of Universitywide Police Policies and Administrative Procedures, the term "General Order" shall be synonymous with the term "Departmental Policy and Procedure." A General Order is written and issued by authority of the Chief of Police and is applicable to a University Police Department or to a division, bureau or unit thereof, which establishes a principle, a policy, or a procedure. It is the most authoritative directive in a department. General Orders are permanent directives and remain in full effect until amended or canceled by the Chief of Police.

1205.1.3 SPECIAL ORDER

A special order is a written order issued by authority of the Chief of Police applicable to the department as a whole, a division, bureau or unit thereof, or to an individual therein, which establishes a temporary principle, policy, or procedure. Special orders are usually in effect for a specified length of time. When an expiration date is not specified, a special order is automatically canceled with the conclusion of the situation or incident which prompted its issuance.

1205.2 FAMILIARITY WITH ORDERS

It shall be the responsibility of each new employee to become familiar with all existing rules, policies, and orders within 30 days of appointment to the department.

1205.2.1 FAMILIARITY WITH NEW ORDERS

It shall be the responsibility of each member of the department to become familiar with orders as soon as possible subsequent to their issuance. Supervisors shall make an employee aware of orders issued during an employee's absence.

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Administrative Communications

1205.3 FAILURE TO OBEY AN ORDER

The refusal of any employee to obey a lawful order given by a ranking employee may be cause for immediate suspension from duty by a ranking employee and/or corrective action or dismissal by the Chief of Police in accordance with applicable Personnel Policies.

1205.4 CONFLICTING ORDERS

Employees shall obey the lawful orders of ranking employees at all times. Should an employee believe that an order received is unlawful, in conflict with any order previously given or with any department order, and if circumstances permit, the employee shall point out the conflict to the ranking employee who issued the order. If the conflict is not eliminated, the order shall stand, and be obeyed to the best of the employee's ability. The responsibility for the order remains that of the ranking employee.

1205.4.1 CONFLICT RESOLUTION PROCEDURE

Subsequent to a situation in which a conflicting order was at issue, the employee and the ranking employee who issued the order shall seek resolution of the conflict through the chain-of-command if either or both believe it is appropriate to do so.

1205.4.2 APPEAL OF ORDERS ISSUED

If a conflicting order issue is not resolved within the department through the procedure described in Section 1205.4.1, an employee may file an appeal or grievance in accordance with applicable personnel policies.

Personnel, Duties & Responsibilities

1206.1 CONDUCT

Inappropriate Conduct. Any conduct which interferes with police operations, even though it is not specifically addressed in this manual, may result in corrective action or dismissal.

1206.1.1 ETHICAL RESPONSIBILITIES

The following shall be the ethical responsibilities of all personnel:

- (a) Employees shall conduct their private and professional lives in such a manner as to avoid bringing discredit upon the University or the department;
- (b) Employees acting in a law enforcement capacity, whether on or off duty, shall conduct themselves in a professional manner and shall be civil, orderly and courteous in their conduct and behavior toward the public and each other;
- (c) Employees shall treat their fellow employees and associates with respect and when on duty, officers should be referred to by rank;
- (d) Employees shall not speak disparagingly of any person or group on the basis of race, color, national origin, religion, sex, gender identity, pregnancy (pregnancy includes pregnancy, childbirth and medical conditions related to pregnancy and childbirth), physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship or service in the uniformed services (as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994) (Service in the uniformed services includes membership, application for membership, performance of service, application for service or obligation for service in the uniformed services);
- (e) Employees shall refrain from using profane, insolent or disrespectful language;
- (f) No employee shall convert to their own use, or have any claim upon, any found or recovered property or evidence held for disposition by the department, unless they are the legal owners of same;
- (g) Employees shall not use their positions with the department to influence or to intimidate persons in any civil or criminal action;
- (h) Employees shall not use their positions with the department for personal gain or advantage.

1206.1.2 GRATUITIES

Police employees shall neither solicit nor accept rewards, presents, gratuities, nor any form of compensation which could in any manner be considered related to their employment, other than that paid by the University or in accordance with University policy. Should any award, gratuity, present, or unauthorized compensation come into an employee's possession, it shall immediately be forwarded to the Chief of Police with a written report describing all circumstances.

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1206.1.3 DISCOUNTS

Except as expressly permitted by University policies, employees shall not use any form of official identification or their official position to solicit or obtain special privileges for themselves or others, including free admission, discounts or other favored treatment. An employee may use the badge or other official identification to obtain admission to any public event when carrying out an official duty. Should admission be refused, the employee shall pay the required fee and file a report describing the circumstances and requesting reimbursement.

1206.1.4 ENDORSEMENTS

Employees shall not permit the use of their official position with the department for advertising purposes, or by testimonial, recommendation, or other means participate in any advertising scheme or enterprise related to or based upon their employment, without prior approval of the Chief of Police.

1206.1.5 CODE OF ETHICS

All sworn personnel shall adhere to the principles of the Law Enforcement Code of Ethics (See Policy 100).

1206.2 CONFIDENTIAL INFORMATION

Except in the performance of their duties, employees shall not reveal any information concerning confidential matters brought to their attention or reveal any information of a confidential nature pertaining to matters under investigation by the department or any other criminal justice agencies.

1206.2.1 WITHHOLDING INFORMATION

Employees receiving or processing information regarding a criminal offense or case shall not withhold such information, but shall report such information in accordance with existing law and University Police procedures.

1206.2.2 DISCLOSING INFORMATION

Employees shall not disclose any confidential information acquired in the course of their employment nor any information from the files or the records of the department nor from any criminal justice information system to any person or institution, unless it is appropriate to do so in furtherance of the department's official mission and consistent with law.

1206.2.3 INTERFERING WITH LEGAL PROCESSES

Employees shall not reveal any information which may enable anyone to:

- (a) Evade detection, arrest or prosecution;
- (b) Destroy evidence;
- (c) Destroy or conceal contraband or stolen property.

1206.2.4 RELEASING RECORDS, REPORTS

University police records and reports shall be released or exhibited only in accordance with existing law, and University, campus and department policies.

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1206.3 FALSE REPORTS

Employees shall not knowingly make a false report, either oral or written.

1206.4 COMPROMISING CRIMINAL CASES

Employees shall not use their official position to make any arrangement for any person to avoid prosecution, nor to have any legal process dismissed, reduced, voided or removed from official records, unless such actions are in keeping with official departmental procedures.

1206.5 NEWS MEDIA

In accordance with department policy, employees shall make every effort to cooperate and assist members of the news media, using care to ensure that any release of information is not detrimental to the conduct of police operations. Release of information shall be governed by existing law and department policy. Disputes that arise shall be referred to a ranking employee.

1206.6 COURT APPEARANCE, TESTIFYING

While testifying, employees shall avoid any display of bias, prejudice, anger or other inappropriate behavior.

1206.6.1 PUNCTUALITY

Employees required to be in court shall be prompt in attendance and shall remain until excused by responsible authority.

1206.6.2 APPROPRIATE ATTIRE

Employees required to appear in court shall be neat in appearance and appropriately attired.

1206.7 SPEAKING ENGAGEMENTS

Except as provided in section 1206.5 an employee shall obtain approval from the Chief of Police or designee before speaking publicly as an official representative of the department.

1206.8 CIVIL PROCEEDING

Sworn personnel shall be governed by this section in civil proceedings.

- (a) Employees on duty or in uniform shall not serve civil papers except in accordance with department policy;
- (b) A civil action related to any event arising out of an employee's official duties may be instituted. Upon such action the employee shall notify the Chief of Police in writing;
- (c) Witness fees or other compensation for appearing in civil or criminal court in any matter arising out of an employee's employment shall not be accepted except in accordance with University policy.

1206.9 ALCOHOL, DRUGS, NARCOTICS

No employee shall consume any alcoholic beverage or any behavioral modification substance while on duty, without the specific approval of the Chief of Police. Unless required by the scope of their employment, no employee shall knowingly possess any illegal substance. No employee shall

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ingest any illegal substance unless exigent circumstances exist such that the employee believed their life would be endangered if they refused.

1206.9.1 ALCOHOL, IN UNIFORM

No employee shall consume any alcoholic beverage or other behavioral modification substance while in uniform, nor while wearing any recognizable part of the uniform.

1206.9.2 ALCOHOL, REPORTING FOR DUTY

No employee shall report for a duty assignment under the influence of alcohol or any other behavioral modification substance, nor when the odor or other evidence of the prior consumption of an alcoholic beverage is discernible.

1206.9.3 ALCOHOL, DRUGS, NARCOTICS - OFF DUTY

No employee while off duty shall abuse any substance affecting or modifying behavior, such as alcohol, marijuana, prescription drugs or narcotics, to the extent that it renders the employee unfit to report for the next scheduled duty assignment.

1206.9.4 ALCOHOL, DEPARTMENT PREMISES

Neither behavioral modification substances (prescription drugs excepted) nor alcoholic beverages are to be brought to nor stored upon the premises of the department by any employee except as required by an assignment or as specifically authorized by the Chief of Police.

1206.10 DRUGS/MEDICATIONS

Whenever an employee has taken medication that affects behavior or causes drowsiness, the employee shall advise an immediate supervisor who shall determine the appropriateness of the employee's reporting for or continuing with a duty assignment.

1206.11 TOBACCO PRODUCTS, GENERALLY

Employees shall be governed by courtesy, common sense and good manners while using tobacco products. Employees shall also comply with campus and department policies on smoking and tobacco usage.

1206.12 GENERAL RESPONSIBILITIES

While on duty, employees shall devote their entire time and energies to the performance of the duties and responsibilities of the rank, or position to which they are assigned. In addition, employees shall be governed by the following general responsibilities:

1206.12.1 PROVIDING INFORMATION

Employees shall assist whenever possible with requests by citizens for public information. They shall direct such persons to the nearest location where information may be obtained if unable to furnish it themselves.

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1206.12.2 POLICE IDENTIFICATION

- (a) Officers in uniform shall identify themselves by displaying their badge and nametag at all times unless specifically authorized to remove the badge by a ranking officer.
- (b) Employees shall identify themselves by giving their names and/or showing their official credentials upon request,, except in exigent circumstances or when such action is likely to jeopardize the successful completion of a police assignment.

1206.12.3 COOPERATION WITH PUBLIC AGENCIES

Employees shall cooperate with all law enforcement and governmental agencies and give such aid and information as the organization may be entitled to receive consistent with these procedures and existing law.

1206.12.4 ADHERENCE TO DEPARTMENT SCHEDULES

Employees shall report for duty punctually and as scheduled unless excused by a ranking employee/supervisor. They shall report for assignment attired and equipped as required by department policy. Employees shall report in person to a ranking employee at the end of a tour of duty or work day, unless an exception is authorized. Employees assigned to a specific location on department premises may be excluded from this requirement.

1206.12.5 MAINTAINING COMMUNICATIONS, ON DUTY - ON-CALL

Employees on duty, or officially on call, shall be directly available by normal means of communication or shall keep their office, headquarters, unit or ranking employee informed of the means by which they may be reached when not immediately available.

1206.12.6 EMERGENCIES, OFF-DUTY RESPONSE

Employees are subject to being called to duty in emergencies and shall report in compliance with directions given to them by authorized personnel of the department. It shall be the responsibility of an off-duty employee who cannot be notified to contact the department as soon as practicable upon becoming aware of a major incident within the jurisdiction of the department.

1206.12.7 ADDRESS, PHONE NUMBER - REPORTING CHANGES

Sworn personnel shall maintain a personal telephone and provide that number to the department. All employees shall report any change of their personal telephone number, residence location (address) and mailing address to their supervisors as soon as possible, and in no event later than one working day after the change becomes effective.

1206.12.8 BULLETIN BOARDS

Bulletin boards shall be maintained in conformance with department policy, University and legal requirements.

1206.12.9 OUTSIDE EMPLOYMENT - APPROVAL REQUIRED

Sworn personnel shall not engage in any business or be employed outside the department without prior approval of the Chief of Police.

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1206.12.10 INCURRING EXPENSE TO UNIVERSITY

Employees shall not incur any expense or liability to the University without the approval of a supervisor, except in emergencies. Such exceptions shall be appropriately documented.

1206.12.11 CALIFORNIA DRIVERS LICENSE

Sworn personnel, employees driving department vehicles, and other employees designated by the Chief of Police shall possess a valid California Drivers License of the appropriate class while on duty. Employees shall immediately report any changes in status to their Drivers License to their supervisor.

1206.12.12 IMPAIRED PHYSICAL CONDITION

If any employee has or develops a physical and/or psychological condition that impairs their ability to do their job, they shall report this to their supervisor as soon as possible if on duty, or before they begin their next work shift, if off duty.

1206.12.13 LAW ENFORCEMENT CONTACT

If any employee, whether on duty or off duty, is the subject of an enforcement contact by another law enforcement agency that employee shall report such contact to their supervisor as soon as possible. This is intended to require reporting of any such contact but particularly contacts relating to domestic situations. It shall include contacts where the employee was the subject of questioning as well as detention, citation or arrest. Reporting is not required for contacts, while off duty, for vehicle code infractions resulting from the employee's operation of a vehicle.

Any employee served with or becoming the subject of a restraining or protective order shall also immediately inform their supervisor of such action.

An employee shall immediately inform their supervisor of any conviction for any criminal offense or vehicle code violation affecting the status of their driver license.

Sworn Personnel Standards for Employment & Training

1207.1 PEACE OFFICER STANDARDS AND TRAINING

The Police Department adheres to the regulations and standards of the California Commission on Peace Officer Standards and Training (POST) in the employment and training of University peace officers. All the requirements of these regulations and standards shall apply to each lateral entrant, regardless of the rank to which the person is appointed.

1207.2 MINIMUM STANDARDS FOR PEACE OFFICER CANDIDATES, ENTRY LEVEL

Every officer employed by the department shall be selected in conformance with the California Commission on Peace Officer Standards and Training (POST) minimum selection standards for California peace officers pursuant to Government Code (GC) Sections §1029, §1030, and §1031, and Commission Regulations §9050-§9055.

1207.3 REQUIREMENTS UPON APPOINTMENT

All entry level officers shall satisfy the requirements in this section.

1207.3.1 INITIAL TRAINING

Be enrolled by the hiring department in a certified course of training at a POST Basic Academy or be assigned to a POST certified Field Training Officers# Program within 90 days as required by California Penal Code section §832(b) and §832.3(a).

1207.3.2 POST REGULAR BASIC COURSE

Satisfactorily complete a POST Regular Basic Course in either the standard or modular format.

1207.3.3 PROBATIONARY PERIOD

Serve a probationary period of twelve months, each month of which must be at 50 percent time or more, exclusive of time on paid or unpaid leave or in the POST Basic Academy. The probationary period shall be completed as of the first day of the calendar month following the twelve months of service, unless extended at the direction of the Chief of Police.

1207.3.4 POST BASIC CERTIFICATE

Obtain a POST Basic certificate as evidence of proficiency as a peace officer as required by Section §832.4 of the California Penal Code and POST Commission Regulations.

1207.4 NOTICE OF RECRUITMENT

Notices of recruitment for peace officers on any campus shall be posted on all campuses for at least 15 calendar days in advance of the close of recruitment for the announced position.

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Sworn Personnel Standards for Employment & Training

1207.5 REQUIREMENTS FOR LATERAL ENTRY OR INTERCAMPUS, IN-CLASS TRANSFER

University of California Police Departments may accept applicants to fill peace officer positions who:

- (a) Have successfully completed all basic training at a POST Certified Academy (or equivalency as established by POST);
- (b) Authorize review of their personnel files and records of personal history investigations;
- (c) Participate in an oral interview with the hiring department;
- (d) Meet all University of California minimum standards and the POST Minimum Standards for Peace Officer Employment for appointment to positions in the class of Police Officer, including completion of any step of the qualifying process deemed advisable by the hiring department; and
- (e) Submit to a pre-employment psychological and medical examination.
- (f) Have not medically retired as a sworn police officer from any police or public safety department.

1207.6 REAPPOINTMENT OF FORMER SWORN PERSONNEL, CONDITIONS

Any regular sworn member of the department who has completed the initial probationary period and who resigned in good standing may be considered for reappointment, in accordance with appropriate Personnel Policy, without entry level written examination at the rank held at date of separation provided that:

- (a) There is an existing vacancy in said rank;
- (b) The application for reappointment is made within one year from the date of separation;
- (c) The applicant's physical condition and personal history investigation are satisfactory as of the time of reappointment;
- (d) A pre-employment psychological screening examination is conducted prior to reappointment.
- (e) The applicant meets all University of California minimum standards and the POST Minimum Standards for Peace Officer Employment for appointment to positions in the class of Police Officer, including completion of any step of the qualifying process deemed advisable by the hiring department.

1207.6.1 APPOINTMENT TO A LOWER RANK

When there is no current vacancy in the position which was held at the time of separation, the applicant may be appointed to a lower rank where a vacancy exists. Future promotions from the position to which the employee is appointed must be through established promotional procedures.

1207.6.2 EMPLOYEE STATUS

An officer appointed pursuant to sections 1207.6 or 1207.6.1 shall have the status of a new employee with regard to seniority in rank. Sick leave, vacation accruals, and benefits eligibility and status will be in accordance with applicable Personnel Policy.

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Sworn Personnel Standards for Employment & Training

1207.6.3 PROBATIONARY PERIOD

Officers of any rank reappointed under sections 1207.6 or 1207.6.1 shall serve a probationary period of 12 months as described in Section 1207.3.3.

Promotion of Sworn Personnel

1208.1 POLICY

Promotions or appointments to the rank of Sergeant and above are made on the basis of competitive processes managed locally by each campus police department and are open to internal or external candidates, meeting minimum qualifications.

Internal candidate is defined as a candidate currently employed by the University of California. External candidate is defined as a candidate not currently employed by the University of California.

1208.2 PROMOTIONAL PROCESS

Announcement. The promotional process and qualifications for candidates as approved by the campus Chief of Police and the campus Human Resource administrator will be described in a published announcement. The published announcement will provide appropriate details to potential candidates, including the qualifications required for participating in the promotional process.

1208.2.1 PROMOTIONAL PROCESS

When a promotional process is to be conducted, the Chief of Police will determine the selection process the campus police department will use. Promotional processes may consist of such selection methods as: supplemental application, a written test, an oral interview, a service performance evaluation, and participation in an assessment center process.

1208.3 MINIMUM STANDARDS FOR POLICE SERGEANTS

If at least 10 current and qualified University of California Police Officers apply for promotion to Police Sergeant, no external candidates may be considered.

1208.3.1 MINIMUM STANDARDS FOR POLICE SERGEANTS

The following minimum criteria must be met for eligibility to participate in the promotional process:

- Candidates must be a non-probationary police officer or higher rank sworn police classification and hold at minimum a Basic POST certificate. Three or more years of sworn police service and an Intermediate POST certificate are preferred.
- The candidate pool may be screened to a manageable number of candidates and the most qualified candidates invited to participate in the testing and interview process.
- If the testing process is opened to candidates outside the University of California, all qualified internal candidates that applied will be included in the testing process.

1208.4 MINIMUM STANDARDS FOR POLICE LIEUTENANTS AND POLICE CAPTAINS/ ASSISTANT CHIEFS OF POLICE

Due to varying rank structures and responsibilities at each campus, the criteria for eligibility to participate in the promotional process for Lieutenant or Captain/Assistant Chief of Police shall be set by the Chief of Police.

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1208.5 NOTIFICATION OF PROMOTIONS

Notices of Recruitment. Notices of recruitment shall be posted on all campuses for at least thirty calendar days.

1208.5.1 COORDINATOR NOTIFICATION

The Chief of Police making a promotion shall immediately notify the Coordinator of Police Services in writing. The Coordinator shall be responsible for announcing each promotion to the Chiefs of Police.

1208.6 PROBATIONARY PERIOD

Internal Candidates. Internal UCPD candidates promoted to Police Sergeant or Police Lieutenant shall serve a six-month probationary period in the new class, exclusive of time on paid or unpaid leave. The probationary period shall be completed following six months of continuous service at 50 percent time or more without a break in service.

1208.6.1 DEMOTION TO PREVIOUS RANK

Internal candidates who fail to complete the six-month probationary period for Sergeant, Lieutenant, or Captain/Assistant Chief of Police shall be retained in the same campus department at the rank held immediately prior to the promotion. A transfer to the campus from which the individual was promoted may be considered, depending on circumstances at both departments. Such individuals will receive UCRP service credit under the terms and conditions of the UC Retirement Plan at the lower rank for all time in the position to which they had been promoted (Ref: PPSM 22.D.2 pertaining to promotions to Police Sergeant and Police Lieutenant.)

1208.6.2 EXTERNAL CANDIDATES

External candidates appointed to Police Sergeant, Lieutenant, or Captain/Assistant Chief of Police shall serve a twelve-month probationary period, exclusive of time on paid or unpaid leave. The probationary period shall be completed following twelve months of continuous service at 50 percent time or more without a break in service.

1208.7 TEMPORARY ASSIGNMENT TO HIGHER CLASS, COMPENSATION

When an officer is temporarily assigned for twenty consecutive working days or more to perform all of the duties of a position in a Personnel Program class having a higher salary range maximum, the officer shall be granted a salary increase or stipend to the minimum of the salary range of the higher class or to the equivalent of one step in amount, whichever is greater.

1208.7.1 CONDITIONS FOR TEMPORARY ASSIGNMENT

Appointment to an assignment in a higher class on a temporary basis shall be made at the discretion of the Chief of Police, in accordance with University Policy.

Use of Force

1209.1 USE OF FORCE

The Universitywide Police Policies and Administrative Procedures Use of Force policy located in Section 3 Policy 300.

Arrests

1210.1 RIGHTS OF INDIVIDUALS

When it becomes necessary to take police action, officers shall give consideration to the rights of all persons, including alleged law violators, and to the manner in which they exercise their powers as peace officers. Without compromising their primary mission, which is the protection of life and property, officers may use such reasonable force as is necessary to affect an arrest, to prevent escape or to overcome resistance.

1210.2 ARREST PROCEDURES

In making arrests, officers shall comply with the following procedures.

1210.2.1 PRECAUTIONS

Officers shall take all reasonable precautions in arresting and detaining persons to ensure against escapes. They shall be alert to the possession by suspects or arrestees of weapons or other items that could inflict bodily injury. Officers shall be responsible for the safety of arrestees and their property.

1210.2.2 SECURITY OF WEAPONS

Officers shall exercise caution with firearms or other weapons at all times and particularly when in the presence of suspects or arrestees. All weapons shall be secured or removed from locations accessible to arrestees.

1210.2.3 TREATMENT OF ARRESTEES AND SUSPECTS

Arrestees and suspects shall be treated in a humane manner as provided by law. They shall not be subject to physical force except as required to subdue violence or ensure detention. No officer shall strike an arrestee or suspect except in self-defense, to prevent an escape, or to prevent injury to another person. No officer shall verbally abuse arrestees or suspects.

1210.2.4 SEARCHING ARRESTEES AND SUSPECTS

Whenever it is necessary to search an arrestee or suspect, the search should be conducted in accordance with department policy and training.

1210.2.5 VEHICLE PURSUITS

Each Campus shall adopt a vehicle pursuit policy. Refer to Section 3 Policy 340.

1210.3 TRANSACTIONS WITH ARRESTEES AND SUSPECTS

No officer shall purchase or accept any item for personal use from any suspect or arrestee or from anyone associated with any suspect or arrestee.

1210.4 BAIL, POSTING PROHIBITED

No officer shall post bail for persons placed under arrest by a member of the department, without the approval of the Chief of Police.

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Arrests

1210.4.1 ACCEPTING BAIL, FINES

Officers shall not accept money as bail or in payment of a fine except in accordance with department policy.

1210.4.2 RECOMMENDING BOND AGENCY PROHIBITED

No officer shall suggest or recommend any person or firm engaged in the business of furnishing bail to any arrestee or person requesting such information.

1210.5 RECOMMENDING ATTORNEYS PROHIBITED

No officer shall recommend any attorney to any party in a criminal or civil case in which the officer's department is involved.

Uniforms - General Requirements

1211.1 POLICY

Employees shall wear only uniform items and carry only equipment that conforms to the instructions and specifications in this Manual. Exceptions to this policy must be in writing from the Chief of Police.

1211.1.1 CARE AND AUTHORIZED USE OF UNIFORMS/EQUIPMENT

Employees using the police uniform or University equipment or property, including police emergency and University vehicles, shall be responsible for their proper use and care. Employees shall not use, loan, nor permit to be used for personal or private purposes, or loan any equipment, property, or vehicle without authorization from the Chief of Police.

1211.2 POSSESSION OF UNIFORM

All uniformed employees except the Chief of Police shall possess and maintain ready for immediate use the uniform, equipment, and other required items as prescribed in this Manual.

1211.2.1 WEARING OF UNIFORM

When in uniform, employees shall maintain a professional bearing.

1211.2.2 SPECIFICATIONS

Items utilized as part of the uniform or equipment carried on the uniform shall meet the specifications contained in this Manual. Wearing of any uniform item or carrying of any equipment not conforming to these specifications is prohibited unless authorized in writing by the Chief of Police.

1211.2.3 DUTY REQUIREMENTS

While on duty, employees in uniformed assignments shall wear the full uniform and be equipped with the required items except:

- (a) When prior written authorization has been granted by the Chief of Police; or
- (b) When a supervisor has made an exception based on the nature of a specific assignment.

1211.2.4 RESTRICTIONS ON WEARING

The uniform shall be worn only while on-duty or while commuting to and from duty assignments, unless otherwise authorized by the Chief of Police. While off duty, employees shall not wear any part of the uniform together with non-uniform garments, if the uniform item(s) is distinguishable and visible to the public.

1211.2.5 OFFICIAL FUNCTIONS

Employees shall wear the uniform or other attire prescribed when representing the department at official functions such as dedications, academy graduations, award presentations, funerals, and formal personnel inspections.

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Uniforms - General Requirements

1211.3 WEARING THE UNIFORM - USE OF DISCRETION

Uniformed employees shall use discretion when conducting activities while in uniform. Any conduct or activity likely to debase law enforcement, detract from the departmental image, or bring ridicule to the department shall be avoided. Employees in uniform, whether on or off duty, are subject to public scrutiny. The mere presence of employees in uniform in certain locations or establishments, such as taverns and racetracks, unless it is obvious that the employees are conducting official business, could bring criticism of the employees and embarrassment to the department. An example of the foregoing is having coffee, or dining, in establishments whose primary business is the dispensing of alcoholic beverages or in that portion of a restaurant set aside for dispensing such beverages. Uniformed employees should use good judgment and avoid being in such locations if it is not required by an assignment. Officers shall not shop extensively except when required in the line of duty.

1211.4 UNIFORM MAINTENANCE

When the uniform is worn, care shall be taken that it fits well, is neat, clean, properly pressed, and that shoes, and leather and metal equipment shall be in good condition and well polished.

1211.4.1 REPAIRED UNIFORMS

Uniforms or portions thereof shall not be noticeably patched, torn or worn. Employees shall use discretion in wearing uniform items which have been repaired. Immediate supervisors shall determine whether repaired items are appropriate for wear.

1211.5 REPLACEMENT AND REPAIR OF UNIVERSITY EQUIPMENT

Whenever University equipment is in need of repair or replacement, the equipment shall be forwarded through proper channels for replacement or repair. University equipment provided to an employee shall be returned upon completion of the assignment.

1211.5.1 LOSS/DAMAGE REPORT

Employees shall report the loss or damage of University equipment to their supervisor as soon as possible. A written report may be required.

1211.5.2 CORRECTIVE ACTION

If University equipment is lost or damaged due to employee negligence, the employee shall be subject to corrective action and/or dismissal.

1211.6 PERSONAL GROOMING - UNIFORMED AND NON-UNIFORMED EMPLOYEES

The professional bearing expected of on duty employees requires that each maintains high standards of personal grooming and cleanliness and is at all times neat and clean. Officers assigned to plainclothes duty shall dress in a manner which is in keeping with good taste and moderation.

1211.6.1 STANDARDS

All personnel shall comply with the following minimum grooming standards unless granted an exception by the Chief of Police.

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Uniforms - General Requirements

- (a) **Hair.** Hair shall be neat and clean while on duty. Sworn officers shall not have their hair extend into their eyes so as to interfere with their vision. Extreme hair styles or extreme hair treatments/colors are inappropriate. In no event should the length of the hair or the style preclude the proper wearing of a helmet or gas mask. Wigs, hairpieces and facial hair must conform to the same standards.
- (b) **Fingernails.** Fingernails shall be clean and trimmed. Nails shall not be of such length as to interfere with the performance of any required duty.
- (c) **Jewelry and Ornamentation.** Any jewelry or other unofficial ornamentation that might interfere with or otherwise have an effect on an officer's ability to perform required duties shall not be worn.
- (d) **Makeup.** If used, cosmetics shall be applied in moderation.
- (e) **Perfumes/Colognes.** If used, shall be worn in moderation and according to individual campus policies.

1211.7 PROHIBITED USE OF UNIFORM/DEADLY WEAPONS - PICKETING

California Penal Code Section §12950a places legal restrictions on individuals, including peace officers, who are engaged in picketing or informational activities related to a concerted refusal to work. In accordance with this law, employees shall not carry deadly weapons or wear the uniform of a police officer while engaged in picketing.

Uniform Specifications - Sworn Personnel

1212.1 POLICY

Uniformed officers shall wear only the uniform authorized for their particular rank and assignment. Each campus shall have the ability to set specific uniform requirements for special assignments not discussed in this chapter, i.e. bicycle officer. Exceptions to this policy, including equipment not specified in this chapter, must be approved in writing by the Chief of Police.

1212.1.1 UNIFORM ACCOUTERMENTS

While an officer is in uniform, only those accouterments (pins, medals, emblems, etc.) authorized by the Chief of Police may be worn.

1212.1.2 RESTRICTION - ACCOUTERMENTS

The maximum number of accouterments that may be worn simultaneously on the right pocket area of the shirt or jacket, in addition to the nameplate, is three. The maximum number on the left pocket area, in addition to the badge, is two.

1212.2 WEARING THE UNIFORM - REGULATIONS

When in uniform, officers shall conform to the regulations contained in this chapter as to the manner and conditions of wearing approved articles of uniform.

1212.2.1 AUTHORIZED UNIFORM SPECIFICATIONS

The official uniform for police officers of the University of California shall consist of the items listed in Section 1212.2.2 of this chapter. A copy of detailed specifications for each item not covered in this manual shall be kept on file in the administrative offices of each department, available to each officer.

1212.2.2 UNIFORM

The authorized uniform to be worn and equipment to be carried by all officers required to report in uniform shall consist of the following apparel, equipment or identification items except those items which are designated as optional with an asterisk (*). The Chief of Police may require that under certain circumstances officers wear or carry items designated as optional.

Hat *	Body Armor (Vest)
Hat Piece *	Undershirt
Baseball Cap *	Turtleneck/Dickey *
Watch Cap *	Duty Jacket *
Campaign Hat *	Dress jacket *
Long Sleeve Shirt	Leather Jacket *
Short Sleeve Shirt	Sweater *
Name Plate	Tie/Tie Clasp
Badge	Gloves *
Shoulder Patches	Trousers

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Rank Insignia	Trouser Belt
Five Year Service Stripe(s)	Utility Uniform
Five Year Service Star(s) *	Socks
Service Awards *	Footwear

EQUIPMENT

Pen	Ammunition
Notebook/Pad	Ammunition Magazine
Whistle *	Ammunition Magazine Holder
Flashlight	Portable Radio
Keys	Portable Radio Holder
Key Holder	Portable Radio Microphone/Earpiece *
Knife *	Oleoresin Capsicum
Handgun	Taser/Stun Gun *
Holster	Audio Recorder *
Gun Belt (Sam or Sally Browne)	Helmet
Baton/Expandable Baton	Police ID Card
Crowd Control Baton	Valid CA Drivers License
Baton Ring/Holder	CPR Mask *
Handcuffs/Key	Disposable Latex/Non-Latex Gloves *
Handcuff Case	

1212.2.3 * HATS

Uniform Hat. Specifications: Material shall be 100% wool. The fabric shall be dyed to match the standard Los Angeles Police Department shade. The style and cover shall be the four piece Lancaster Cap Company's Style No. 1960 or equivalent. The piping shall be self cloth, same as cover, and sewn between the crown and the quarters. The outband shall be a 1-3/4 inch black rayon mesh, Rice's No. 2825 or equivalent, braid shall be sewn to a strip of cloth, same as cover, 3/4 inch wide and seamed in the back; braid shall be sewn to the quarters. The visor shall consist of two parts: the top shall be 030 Black Patent Vinyl combined with .020 Latex impregnated filler paper. The visor shall measure 2 inches in width at the widest point and drop to an angle of 45 degrees. The side buttons shall be gold California Eureka fire gilt buttons.

***Rain cover:** clear or black plastic.

***Baseball Caps.** Officers may be allowed to wear baseball caps on duty as approved by the Chief. Specifications: Navy blue baseball cap, with "Police" embroidered on the front of the cap in gold lettering with "University of California" embroidered below "Police" on the front of the cap in white letters. The campus location may be embroidered under "University of California." The officer's badge number and/or name may be embroidered on the rear band of the cap in gold lettering.

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Uniform Specifications - Sworn Personnel

***Watch Caps.** Officers may be allowed to wear watch caps on duty as approved by the Chief. Specifications: Black knit watch cap, with "Police" embroidered on the front of the cap in gold lettering.

***Campaign Hat.** Officers may be allowed to wear a campaign style hat on duty as approved by the Chief. Specifications: Standard round design Stratton Felt hat, Smokey the Bear style, dyed to match the standard Los Angeles Police Department Shade. Additional option is a midnight blue or black straw hat with gold acorn band.

1212.2.4 * HAT PIECE

To be worn with the uniform hat. Specifications: Eagle crest, 2-7/8" width by 2-1/4" height, four color Eureka seal in center with hard enamel blue 1/4" ribbon enclosing "Police" in 3/16" gold letters, two threaded posts and fasteners 1-5/8" apart at rear of shield.

1212.2.5 UNIFORM SHIRTS

The shirt shall be worn complete with shoulder patches, name plate, badge and any applicable insignia of rank and meet the following specifications:

Material. Shall meet the following minimum standards:

- Fiber Content. 100% wool or wool blend.
- Shade. The fabric shall be dyed to match the standard Los Angeles Police Department shade.

Collar/Body/Pockets (Male—Short & Long Sleeved). Military style matching the standard Los Angeles Police Department Class A & Class B Uniform shirts.

Collar/Body/Pockets (Female--Short & Long Sleeved). Shall conform to the same minimum standards of the Los Angeles Police Department Class A & Class B Uniform shirts.

Shoulder Strap (Short & Long Sleeved). 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, consistent with the standard Los Angeles Police Department Class A & B Uniform shirts.

Buttons (Short & Long Sleeved). Buttons shall be worn on the top end of the shoulder straps and on each pocket flap. All buttons shall be of best quality plastic to match the color of the shirt.

Badge Holder (Short & Long Sleeved). 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 two black anodized metal eyelets center spaced 1-1/4 inches with the top eyelet center located 2-1/4 inches above the top of the pocket flap. No part of the holder shall show from behind the badge.

1212.2.6 NAME PLATES

Specifications: metal, gold finish with blue or black enamel 3/16" letters. The name plate shall be worn centered above the right hand breast pocket on the outermost garment and remain clearly visible. A second name plate is issued to preclude the necessity of removing the name plate from an inner to an outer garment.

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Cloth Name Tags. Cloth name tags may be worn in place of the metal name plates on Duty Jackets. Specifications: Black cloth with gold letters, overall dimensions not to exceed 1 inch wide by 6-1/2 inches in length, 3/4 inch letters.

1212.2.7 BADGE

The badge shall be worn on the uniform attached to the badge holder on the outermost garment so as to be clearly visible at all times. Specifications: 7 point star 2-7/8" diameter, gold color, University of California Police, four color Eureka seal, 5/16" blue hard enamel letters, safety clasp.

- (a) An officer shall not use another's badge without permission of a supervisor.
- (b) An officer shall not permit any person who is not a University of California police officer to use a University of California Police badge at any time.
- (c) A cloth badge approved by the Chief of Police may satisfy the requirements of this section.

1212.2.8 SHOULDER PATCHES

The face of the patch shall be fully embroidered. All lettering and detail to be sharp and clear. Shoulder patches shall be sewn on each shoulder of each garment which is a part of the authorized uniform. Specifications: Outer edge, background and detail of the University Seal to be medium blue (PMS 286); lettering: "UNIVERSITY OF CALIFORNIA" and "POLICE," background of the University Seal, star points, and the 1/8 inch band paralleling the outer edge and boarding the inner field are to be Gold (PMS 116); treatment of the back of the patch to be non-toxic, nonflammable, of such a nature as to be harmless to the garments to which the patches will be applied, and serve as a binding/sealing agent for all loose threads on the reverse side of the patch.

1212.2.9 RANK INSIGNIA

- (a) Chief of Police specifications: Four 3/4" five pointed stars on each collar, metal, gold color, to have two metal clutch fasteners. On jackets- Four 1" five pointed stars on each shoulder, metal, gold color, to have pin and safety catch.
- (b) Assistant Chief of Police specifications: Two 3/4" five pointed star on each collar, metal, gold color, to have two metal clutch fasteners. On jackets-Two 1" five pointed stars on each shoulder, metal, gold color, to have pin and safety catch.
- (c) Captain specifications: Two 1/4" by 3/4" bars on each collar, metal, gold color, to have two clutch fasteners. On jackets-two 3/8" by 1" bar on each shoulder, metal, gold color, to have pin and safety catch.
- (d) Lieutenant specifications: One 1/4" by 3/4" bar on each collar, metal, gold color, to have two clutch fasteners. On jackets-one 3/8" by 1" bar on each shoulder, metal, gold color, to have pin and safety catch.
- (e) Sergeant specifications: Three stripe royal blue with gold trim (similar to CHP style) chevrons on each sleeve of jacket and shirt. Specifications: 3-1/2 size chevrons on jacket and 3" size chevrons on shirts.
- (f) Corporal specifications: Two stripe royal blue with gold trim (similar to CHP style) chevrons on each sleeve of jacket and shirt or two stripe pins on collar. If patches

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are worn, specifications are to be 3-1/2 size chevrons on jacket and 3" size chevrons on shirts

1212.2.10 FIVE YEAR SERVICE STRIPES

Specifications: 3/8" wide by 2" long, material to be blue and gold embroidery thread, colors to match department dress jacket sleeve stripe, center portion to be blue, trim surrounding blue center to be gold and 3/32" wide. One service stripe will be worn for each five years of full time California peace officer employment as defined in §830.1 or §830.2 PC, and/or reciprocal peace officer service in another state.

- (a) Placement/Dress Jacket: Stripe to be placed on the left sleeve, either by embroidering directly on sleeve or by sewing a service stripe patch at a 45 degree angle with the lower end of the stripe toward the inside seam of the sleeve, 3/4" above the top edge of the departmental stripe and with the stripe centered on the sleeve between the front and rear pressed crease. Additional stripes to be placed above and parallel to the first stripe with 1/4" background space between stripes.
- (b) Placement/Long Sleeve Shirt: Same position as determined in 1212.2.10(a) except stripe to be placed 3/4" above the sleeve cuff with the complete stripe in front of the center press crease of sleeve.

1212.2.11 * FIVE YEAR SERVICE STARS

Specifications: 3/4" star, material to be gold embroidery thread. One service star will be worn by employees of the rank of Captain and above for each five years of full time peace officer employment as defined in §830.1 or §830.2 PC, and/or reciprocal peace officer service in another state.

- (a) Placement-Dress Jacket: Star to be placed on the left sleeve, either by embroidering directly on sleeve or by affixing a service star patch, 3/4" above the top edge of the departmental stripe and with the star centered on the sleeve between the front and rear pressed crease. The first three stars shall be placed 1/4" apart and in a line perpendicular to the service stripe. The fourth and fifth star shall be placed 1/4" and at a bias above the first three stars. The sixth star shall be placed 1/4" and at a bias above the fourth and fifth star. If seven stars are to be worn, they shall be worn in a circle. The eighth, ninth and tenth stars shall be worn in the center of the circle. Any additional stars shall be attached to expand the circle.

1212.2.12 * SERVICE AWARDS

Service and award pins of the University or the State of California shall be worn above the right pocket flap of the shirt above the name plate or service jacket, 1/2" below the top edge of the pocket flap, centered above the button. Such pins may also be worn as tie pins or clasps.

1212.2.13 BODY ARMOR (PROTECTIVE VEST)

Will be minimum level IIa protective vest. Vests will be replaced prior to expiration of their factory warranty. Vests providing higher protection levels may be worn with approval of the Chief of Police.

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1212.2.14 UNDERSHIRT

Whenever visible, undershirts shall be black or white and have a round crew neck collar. In no instance shall the neck of the undershirt extend above the collar of the uniform shirt nor shall the sleeves of the undershirt extend below the sleeves of the uniform shirt. Boat neck or turtleneck style undershirts shall not be worn with the short sleeve uniform.

For mutual aid requests, the host campus shall identify the color of the undershirt to be worn for the event. If no color is designated, then officers shall wear white undershirts.

1212.2.15 * TURTLENECK/DICKEY

Only to be worn under the long sleeve uniform shirt. Specifications: Turtleneck style; wool or synthetic equivalent; color, black; plain pullover without design, buttons or zipper.

1212.2.16 * JACKETS

Uniform jackets shall be complete with shoulder patches and when applicable, sleeve stripes (local discretion for Lieutenants, Assistant Chiefs and Chiefs), and insignia of rank. Wearing of the jacket will be optional except when required for special details or formal occasions such as funerals, inspections, V.I.P. escorts, etc.

***Duty Jacket.** Specifications: color - black, specifications to be approved by the Chief of Police. When worn, jackets shall be complete with badge, name plate, rank insignia and shoulder patches.

***Dress Jacket.** Specifications: Eisenhower style, color - standard Los Angeles Police Department shade, waist length, plain coat sleeves, brass zipper, belted back, plain peaked lapels, two flap opening-patch pockets on breast, badge holder, fully lined, shoulder straps, California Eureka fire gilt buttons. Material 2 ply, all wool or acceptable equivalent. For ranks of Sergeant and below, department stripe of royal blue with gold piping on outer half of sleeves, 3" from bottom. For the rank of Lieutenant, single department stripe of ½" gold with gold piping on outer half of sleeves, 3" from bottom. For the rank of Captain, dual department stripes of ½" gold with gold piping on outer half of sleeves, 3" from bottom. For the rank of Assistant Chief of Police, dual department stripes of one of 1" gold with piping and one of ½" gold with gold piping on outer half of sleeves, 3" from bottom. For the rank of Chief, single department stripe of 2" gold with gold piping on outer half of sleeves, 3" from bottom.

***Motorcycle Jacket.** Specifications: leather or other protective material, color-black, wool wristlets and waist band, fully lined, zipper closure with button flap front pockets and side entry slash pockets. The left breast shall have a 3" circular protective patch with two vertical metal eyelets for badge placement. The right breast shall have a 2" x 3" black patch with two vertical metal eyelets for badge placement. The nameplate shall contain the officer's name on the first line of print and "U.C. POLICE DEPARTMENT" on the second line. Rank insignia shall be worn on the epaulets as on the uniform shirt. No other adornments to the jacket shall be made.

1212.2.17 * SWEATER

Specifications: color-black, wool V-neck sweater, with epaulets, badge tab, and name tab. When worn, sweaters shall be complete with badge, name plate, rank insignia and shoulder patches.

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1212.2.18 NECKTIE, TIE CLASP

Black, four-in-hand breakaway-type necktie may be worn with the long-sleeve shirt. Uniformed officers assigned to motorcycle duty may wear the approved bow tie. The tie clasp will be worn with the necktie. Tie Clasp - gold in color, plain bar, approximately 5/16 inches wide and 2 inches long.

1212.2.19 GLOVES

Specifications: Leather or fabric, color-black, to be plain finish either lined or unlined. White gloves may be worn for special occasions as approved by the Chief of Police. No weighted gloves will be worn.

1212.2.20 TROUSERS AND BREECHES

Trousers shall be worn by all uniformed officers except those assigned to motorcycle duty who will wear Motorcycle Breeches. Trousers and Breeches shall meet the following specifications:

Trousers. Specifications: Material shall be 100% wool or wool blend. The fabric shall be dyed to match the standard Los Angeles Police Department shade. Trousers shall be the slacks type and consistent with the Standard Los Angeles Police Department Class A & B Uniform.

Motorcycle Breeches. Specifications: Material shall be 100% wool or wool blend and be dyed to match the standard Los Angeles Police Department shade. The breeches shall be manufactured from up to date patterns and shall be designed so that there will be a slight "peg" at the hip, and no baggy seat. The front shall be plain (no pleats) with two top pockets, two hip pockets, and two watch pockets. The stripe shall be constructed by a 1/2 inch gold silk braid from the bottom of the waistband to the bottom of breeches leg.

1212.2.21 TROUSER BELT

Black uniform style basket weave belt shall be worn with trousers or breeches. If a nylon duty belt is to be worn, a buckle-less nylon trouser belt may be worn.

1212.2.22 UTILITY UNIFORM

(Also known as "Class C" uniform) LAPD dark navy utility uniforms may be worn as approved by the Chief of Police.

1212.2.23 SOCKS

Solid color black socks, without design, shall be worn any time the socks may be visible.

1212.2.24 FOOTWEAR

Specifications: color - black, plain toed, smooth finish, lace shoe/slip-on or lace boot. Rain covers or rain boot - color black, plain toed, non-skid soles.

1212.2.25 PEN

A pen shall be carried while on duty.

1212.2.26 NOTEBOOK/PAD

A notebook or pad shall be carried while on duty.

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1212.2.27 * WHISTLE

A whistle should be carried on a key strap on the Sam Browne belt or concealed within the uniform. Specifications: Brass, chrome or black plastic.

1212.2.28 FLASHLIGHT

A flashlight conforming to specifications approved by the Chief of Police shall be carried while on duty (day or night).

1212.2.29 * KNIFE

Any knife carried on duty shall have a folding and locking blade not to exceed 5" in length. Knives shall not be a switchblade as defined in Penal Code §653k or a dirk or dagger as defined in Penal Code §12020.

1212.2.30 SEMI-AUTOMATIC PISTOL

Uniformed police officers shall carry a 9mm, 10mm,.40, or.45 caliber weapon. The weapon shall be clean and in good operating condition at all times. The weapon shall be carried loaded at all times except when entering a location where loaded weapons are prohibited.

- (a) Barrel length. Barrel length shall be no shorter than 2 inches and no longer than 6 inches.
- (b) Inspection/Sighting of Weapons. Before a weapon is carried on duty, it must be inspected, fired and sighted in on a firing range by a supervisor and/or rangemaster before being approved for service by the Chief of Police.
- (c) Modifications. Carrying a weapon that has been modified in any way from factory specifications is prohibited unless the modification has been approved by the Chief of Police.
- (d) Off duty weapons. The carrying of off duty weapons is optional. Weapons carried off duty must be approved by the Chief of Police, who may require conformance to 1212.2.30(b).

1212.2.31 HOLSTERS

Uniform: High or medium ride safety type; black, standard basket weave or nylon design approved by the Chief of Police.

- (a) Plainclothes: Black or brown color, smooth or basketweave finish, design approved by the Chief of Police.
- (b) Fit. Holsters shall properly fit the weapon carried.
- (c) Safety strap/snap or device. The holster safety strap, snap, or device shall be in use at all times the weapon is holstered.
- (d) Off duty holsters. The carrying of a weapon off duty is optional. If one is carried, the off duty holster must have a safety strap/snap or device. The safety strap, snap, or device shall be in use at all times the weapon is holstered.
- (e) Exceptions to this section must be approved by the Chief of Police.

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Uniform Specifications - Sworn Personnel

1212.2.32 UNIFORM GUN BELT

Modified Sam or Sally Browne. Specifications: 9-10 ozs. top-grain cowhide or synthetic leather-like material, black, standard basketweave design, 2-1/4 inches wide Belt hook to be solid brass. Buckle to be solid brass, colonial type, 2-1/4 inches wide with two tongues. Campuses allowing nylon for standard uniform duty use shall be allowed to phase out nylon belts and gear as allowed by budget constrictions. Nylon belts may be allowed for specialized duty assignments as approved by the Chief of Police.

1212.2.33 BATONS

Either a straight baton, side-handle baton, expandable, or other baton as authorized by the Chief of Police shall be carried when on duty:

- (a) Straight Baton: Specifications: Shall be between 25-1/2 to 29 inches in length, shall be constructed of hardwood, 100% virgin Monpac plastic, or polycarbonate, shall weigh at least 20 ounces but not more than 30 ounces, shall have a smooth (non-grooved) finish, and shall be equipped with an approved rubber grommet. No wrist thong will be attached to the straight baton.
- (b) Crowd Control Baton: Specifications: Shall be 36 inches in length, shall be constructed of hardwood, 100% virgin Monpac plastic or polycarbonate, and shall be equipped with an approved rubber grommet.
- (c) Side-handle Baton: Specifications: Shall be between 24 to 26-1/2 inches in length, shall be constructed of 100% virgin Monpac plastic, aluminum, or polycarbonate, shall weigh at least 20 ounces but not more than 30 ounces, shall have a smooth finish and a side-handle which is joined to the baton at a 90 degree angle by a 3 inch bolt of hardened tool steel. Both the side handle and baton shall be approximately 1-1/4 inches in diameter. A rubber grommet may be attached to the side-handle's knob.
- (d) Expandable Batons: Specifications: Pursuant to Section 1212.1, the Chief of Police may authorize expandable batons to be carried on duty. Authorization shall be in writing and should contain the approved baton's specifications.
- (e) Modifications: Approved batons shall not be modified from factory specifications in any manner.

1212.2.34 BATON RINGS

Specifications: Shall be conventional style, basketweave design with brass colored ring and snap or black plastic ring and snap. Side handle baton rings may have a small tooth attached to the ring to keep the side-handle baton in position.

1212.2.35 HANDCUFF/KEY

Handcuffs with key shall be carried when on duty. Specifications shall be approved by the Chief of Police.

1212.2.36 HANDCUFFS CASE

Specifications: Shall be the open or covered flap type, black basket-weave design, secured in the closed position by heavy duty snaps or Velcro.

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Uniform Specifications - Sworn Personnel

1212.2.37 AMMUNITION

Specifications: Only factory ammunition approved by the Chief of Police will be used in weapons carried on or off duty.

1212.2.38 AMMUNITION MAGAZINE HOLDER

Shall be black basket-weave design, material and construction capable of securing magazines in place while carried in the holder, secured in the closed position by heavy duty snaps or Velcro.

1212.2.39 AMMUNITION MAGAZINE

Shall be of design, material and construction capable of securing cartridges in place while carried in the holder and while being used in the process of reloading a semi-automatic pistol. Specifications/semi-automatic: magazines specified for the weapon carried.

1212.2.40 PORTABLE RADIO/HOLDER/MICROPHONE/EARPIECE

A portable radio shall be carried when on duty. Specifications for the radio, holder, earpiece and microphone shall be approved by the Chief of Police.

1212.2.41 OLEORESIN CAPSICUM

Shall be carried in accordance with Use of Force sections 300.35 through 300.35.5. Holder shall be the open or covered flap type, black basket-weave design.

1212.2.42 * ELECTRONIC CONTROL DEVICES

Shall be carried in accordance with Use of Force section 300.34 through 300.34.8. Holder specifications shall be approved by the Chief of Police.

1212.2.43 HELMETS

Duty Helmets. Helmets shall be worn as directed by the Chief of Police. Specifications: Shell and face shield made of Lexan-Polycarbonate, Kevlar, or similar material secured with chin cup, blue or black in color, to be clearly marked with officer identification, or approved equivalent.

Motorcycle Helmet. Officers assigned to motorcycle duty shall wear the issued safety helmet, midnight blue and gold in color. When riding a department motorcycle, the helmet shall be worn with the chin strap fastened.

1212.2.44 POLICE ID CARDS

The police ID card will be carried at all times while on duty.

- (a) An officer shall not use another officer's police ID card.
- (b) An officer shall not permit any person to use his/her ID card.
- (c) The police ID card will reflect the officer's rank.

1212.2.45 CALIFORNIA DRIVERS LICENSE

A valid California Driver License will be carried at all times while on duty.

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Uniform Specifications - Sworn Personnel

1212.3 BASIC UNIFORM ITEMS - PLAIN CLOTHES DUTY

Officers assigned to plain clothes duty shall comply with the following guidelines:

1212.3.1 BADGE

The badge shall be visible when a weapon is visible.

1212.3.2 SEMI-AUTOMATIC PISTOL

The handgun carried must be approved by the Chief of Police. The handgun will be carried fully loaded with approved ammunition (section 1212.2.37) except when circumstances dictate otherwise or when FAA and airline procedures preclude carrying the weapon. A revolver may be carried as a duty weapon when required for a specific assignment and with approval from a supervisor. Weapons shall be .380 caliber or any other caliber as described in Section 1212.2.30. Section 1212.2.30(b) also applies.

1212.3.3 HOLSTER

(See 1212.2.31(a), 1212.2.31(b), and 1212.2.31(c))

1212.3.4 DEPARTMENTAL IDENTIFICATION CARD

(See 1212.2.44)

1212.3.5 VALID CALIFORNIA DRIVERS LICENSE

(See 1212.2.45)

Awards and Commendations

1213.1 POLICY

A Universitywide policy is hereby established to provide for the awarding of medals and commendations to department personnel in order that acts which merit special attention are formally recognized. To qualify for a medal, individuals must distinguish themselves by heroic action. Certificates of commendation are to be awarded for the performance of valuable service to the department in a specific instance or for outstanding performance of general duties over an extended period of time.

1213.2 MEDALS

The following medals may be awarded to University of California police department employees:

1213.2.1 THE MEDAL OF VALOR

This gold medal shall be awarded for conspicuous bravery or heroism, above and beyond the normal demands of law enforcement service, in response to criminal situations involving extreme danger to the officer. The ribbon and commensurate breast bar of this medal shall be red, white and blue.

1213.2.2 THE MEDAL OF COURAGE

This silver medal shall be awarded for the display of bravery or heroism, above and beyond the normal demands of law enforcement service, in response to non-criminal situations involving extreme danger or a criminal situations involving danger to a lesser degree than required for the Medal of Valor. The ribbon and commensurate breast bar of this medal shall be red.

1213.2.3 THE MEDAL OF MERIT

This bronze medal shall be awarded for extraordinary performance of duties, which brings significant status or recognition to the department. The ribbon and commensurate breast bar of this medal shall be blue.

1213.2.4 THE LIFESAVING MEDAL

This gold medal of commendation shall be awarded to employees whose direct actions, including application of First Aid/CPR, have resulted in the saving of a life. The ribbon and commensurate breast bar of this medal shall be red and white.

- (a) The employee's quick action or skillful handling of an incident directly resulted in the prevention of death to another. Employees are exempt from this medal while employed as a medic and their actions are within their normal scope of duties.

1213.2.5 THE PURPLE HEART MEDAL

This gold medal of commendation shall be awarded to an employee incurring serious injury or death during exposure to hazardous actions or the apprehension of a suspect. The ribbon and commensurate breast bar of this medal shall be purple.

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Awards and Commendations

1213.3 FORMAL AWARD

The following formal award may be bestowed:

1213.3.1 THE DISTINGUISHED SERVICE COMMENDATION

This certificate of commendation shall be awarded to employees who have performed a particularly valuable service to the department. Such service may involve a specific instance or it may be the outstanding and exemplary performance of general duties over an extended period of time. Each nomination for the Distinguished Service Commendation shall be based on the following criteria:

- (a) The service performed would be beyond that expected of an employee of the department in the performance of the employee's duties;
- (b) The employee consistently performed in an outstanding fashion during the time period identified;
- (c) Or, the employee consistently provided excellent service to the University and the employee honorably retired after serving for five or more years with a University of California Police Department.

1213.4 PROCEDURE

The procedure for awarding medals and commendations is as follows:

1213.4.1 DUTY TO REPORT

It is the duty of each department employee to report all acts worthy of recognition to their supervisor.

1213.4.2 NOMINATIONS

- (a) Nominations for medals or commendations shall be initiated whenever it is reported that an employee of the department may be deserving of such recognition.
- (b) Nominations shall be typed and forwarded by an employee to an immediate supervisor.
- (c) Supervisors receiving such nominations shall review them for completeness and accuracy; attach all relevant reports and forward the nomination to the Chief of Police via the chain of command.
- (d) The Chief of Police will review the nomination materials and make a decision whether a medal or commendation will be recommended. If a medal will be recommended, the Chief of Police will draft a recommendation, addressed to the Coordinator of Police Services (Council of Chief#s) including all relevant information and the award sought.
- (e) The Chief of Police will notify the nominee via the chain of command of the nomination and maintain a file containing all documentation submitted.

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Awards and Commendations

1213.4.3 NOMINATION REVIEW

- (a) Acting as an Award Board, the University of California Police Chiefs and the Coordinator of Police Services (Council of Chiefs) will review all nominations for awards described in this policy.
- (b) The Awards Board shall determine whether or not an award is appropriate and, if so, the type of award to be made. The Board may request additional information during its deliberations.
- (c) The Coordinator shall notify each nominee's Chief of Police in writing as to the results of the Board's review and conclusions.
- (d) Copies of all relevant documents shall be placed in the nominee's personnel file by the nominee's Chief of Police.

1213.5 CERTIFICATES

Medals shall be presented together with an appropriate certificate bearing the signatures of the University of California Chiefs of Police and the Coordinator of Police Services. The Distinguished Service Commendation will be a certificate, properly inscribed, also bearing such signatures.

1213.6 PRESENTATION OF MEDALS OR AWARDS

The presentation of a medal or a commendation shall be the responsibility of the awardees' Chief of Police, who will arrange an appropriate ceremony, time and place.

1213.7 WEARING OF MEDALS

An employee may wear a medal while in uniform during formal ceremonies with the approval of the Chief of Police.

1213.7.1 WEARING OF PINS

Lapel pins, indicating the award of medals described in section 1213.2, may be worn on the uniform, as described in section 1212.2.12, on the left lapel of a plainclothes suit or sport coat jacket or in an appropriate location on a blouse.

1213.8 POSTHUMOUS AWARDS

The next of kin shall be entitled to receive any award earned by a deceased member of the department. Next of kin are: surviving spouse or partner, eldest daughter or son, father, mother, eldest sister or brother, or other person pre-designated by the deceased member. The Chief of Police shall determine whether or not such awards shall be made during an appropriate ceremony or in private.

1213.9 MEDALS, CERTIFICATES, LAPEL PINS

It shall be the responsibility of the Coordinator of Police Services to secure medals, certificates and lapel pins of a type and quality approved by the Council of Chiefs.

Universitywide Mutual Aid

1214.1 DEFINITIONS

Universitywide mutual aid is the temporary reassignment of personnel, equipment and/or other resources from one campus or laboratory to another campus or laboratory within the University of California police system.

- (a) Host campus: the campus or laboratory requesting and receiving mutual aid assistance.
- (b) Guest campus: any campus or laboratory providing mutual aid assistance.

1214.2 REQUESTING MUTUAL AID

Normally, requests for mutual aid will be made before incidents of civil disorder, special campus events, or other local emergencies when the available resources of the host campus are insufficient to accomplish the police mission.

- (a) Requests for mutual aid will be made by the Chief of Police of the host campus, directly to the Chiefs of Police of other campuses.
- (b) In the absence of the Chief of Police, the senior ranking command officer may initiate the request for mutual aid. The senior ranking command officer will make every effort to consult with the host campus Chief of Police prior to requesting mutual aid.
- (c) Requests for mutual aid will be made on the Universitywide Mutual Aid Request Form ([See attachment: Appendix A-2.pdf](#)). Telephone requests may be made, but shall be followed up in writing as soon as practical. Written requests may be sent via fax or email.
- (d) Every effort will be made to provide sufficient advance notice of mutual aid requests in order that guest campuses can evaluate available resources and make necessary schedule adjustments.
- (e) The Coordinator of UC Police Services will be notified of the request for mutual aid as soon as practical.

1214.3 RESPONDING TO MUTUAL AID REQUESTS

Campuses will make every reasonable effort to provide the requested mutual aid commensurate with available resources and depending on local circumstances. A Universitywide Mutual Aid Authorization Form ([See attachment: Appendix A-2.pdf](#)) will be transmitted via FAX or email to the host campus specifying if mutual aid will be provided, and if so:

- (a) Name, rank and identification number of mutual aid personnel;
- (b) Date and hours of the most recent duty assignment of mutual aid personnel;
- (c) Specialized equipment being provided;
- (d) Other resources being provided, if any;
- (e) The name of the person in charge of the mutual aid detail; and

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- (f) Specific reassignment of mutual aid personnel and equipment to the command of the Chief of Police of the host campus, and the date and time such reassignment become effective.

1214.4 REIMBURSEMENT POLICY

The policy of the University of California Police Department, as established by the Council of Police Chiefs, provides that a host campus shall reimburse a guest campus for those costs that are a direct result of the assignment of personnel, equipment or other resources to the host campus for mutual aid. Such costs are only those that are over and above the cost of the routine operation of the guest campus.

1214.4.1 REIMBURSABLE COSTS

The following describes reimbursable and non-reimbursable costs.

1214.4.2 PERSONNEL COSTS

- (a) Salary - costs for the regular wages of personnel on mutual aid assignments are not reimbursable; personnel who would be on-duty at the guest campus are assigned to a host campus at no charge.
- (b) Overtime - overtime costs for personnel are a reimbursable cost and may be:
 - (1) Overtime costs resulting from hours worked at, or spent in traveling to and from, the host campus by personnel on a mutual aid assignment;
 - (2) Overtime costs resulting from hours worked by personnel at the guest campus who are assigned to cover the positions of those personnel absent due to a mutual aid assignment;
 - (3) Overtime costs which occur when personnel on mutual aid work hours over their normal working hours.
 - (4) Costs associated with related court appearances.

1214.4.3 TRAVEL COSTS

Travel costs to and from the host campus from the guest campus are reimbursable, as follows:

- a. Air or other commercial means of travel - costs for commercial fares of personnel are reimbursable, as are the costs for charter flights.
- b. University of California Vehicle Costs - costs for vehicles used to and from the host campus are reimbursable with some exceptions, as follows:
 - (1) If vehicles assigned to the guest campus, such as patrol cars, unmarked vehicles or vans are used, there is no reimbursement. However, if the distance traveled is significant, an exception may be made upon agreement by the Chiefs of Police of the host and the guest campus.

Example of exceptions: UC San Diego requests marked patrol cars from UC Berkeley or, UCLA transports motorcycles to UC Davis, on request.

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(2) If the guest campus leased/rented a vehicle, such as a van, to transport assigned personnel to the host campus, costs would be reimbursable. This would apply to University of California or commercially leased vehicles.

c. Use of Personal Vehicles - the use of personal vehicles by personnel of a guest campus to travel to and from the host campus is not authorized, for a variety of reasons. Personnel should utilize the vehicular transportation provided by their guest campus for that purpose.

(1) Exceptions - The Chief of Police of the guest campus may grant an exception to an individual to their personal vehicle, if sufficient justification exists. However, if space is available on the guest campus transport vehicle(s), no mileage expense will be provided to the individual and exceptions will be granted in accordance with this provision.

d. The guest campus should submit a transportation form ([See attachment: Appendix A-2.pdf](#)) to the host campus to arrange for airport pick up and return.

1214.4.4 LODGING AND MEAL COSTS

The host campus is responsible for arranging lodging and meals for personnel from guest campuses. Two arrangements or a combination of the two may be used, based on circumstances:

- (a) **Funds Provided** - The guest campus, if time allows, may provide individual personnel with funds in advance to cover the cost of lodging and meals during the mutual aid assignment. Such costs are reimbursable to the guest campus.
- (b) **Meals and Lodging Provided** - The host campus may provide meals and arrange lodging for the personnel from guest campuses. In such situations there would be no costs to the guest campuses and reimbursement would not be an issue.
- (c) **Combination Approach** - The host campus may provide some combination of meals and lodging. In such situations, those expenses incurred by guest campus personnel would be a charge to the guest campus and subject to reimbursement from the host campus.

1214.4.5 OTHER COSTS TO GUEST CAMPUSES

Any costs incurred by a guest campus as a result of providing personnel to a host campus that are not covered in ([See attachment: Appendix A-2.pdf](#)) should be resolved through an agreement between the two chiefs that is mutually acceptable.

1214.5 WORKING HOURS - SHIFTS TO BE COMPLETED

On occasion, the host campus may determine that personnel from other campuses should be released because the need for mutual aid no longer exists. However, the Officer-in-Charge (OIC) from each guest campus should determine whether each individual in the OIC's detail will complete the working hours required by individual's own routine work schedule.

The OIC shall be responsible to ensure that each individual completes their normal shift working hours prior to being released. Based on circumstances, this may be accomplished by working

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additional hours at the host campus, through the travel time used in returning to the guest campus or through an assignment at the guest campus upon return there.

This procedure should eliminate the possibility that any individual is not credited with a full working day for time sheet purposes.

1214.6 FOOD, LODGING, AND TRANSPORTATION--HOST CAMPUS RESPONSIBILITIES

The host campus is responsible for the following:

- (a) Arranging appropriate lodging for mutual aid personnel;
- (b) Providing meals for mutual aid personnel;
- (c) Providing transportation from/to the airport ([See attachment: Appendix A-2.pdf](#));

1214.7 TRANSPORTATION AND EQUIPMENT--GUEST CAMPUS RESPONSIBILITIES

The guest campus is responsible for the following:

- (a) Arranging for transportation of mutual aid personnel to and from the host campus; and
- (b) Insuring that personnel assigned to mutual aid are equipped in accordance with universitywide uniform and equipment regulations including personal identification numbers on all helmets.

1214.8 SUPERVISION AND ARREST PROCEDURES

Supervision of mutual aid personnel is the responsibility of the host campus, through the local chain of command.

- (a) Upon arrival at the host campus, the senior ranking officer of the mutual aid detail shall report immediately to the senior ranking supervisor or command officer of the host campus for assignment or instructions.
- (b) Whenever possible, sworn officers from the host campus shall make any necessary arrests in order to avoid court appearances by mutual aid personnel.

1214.9 INJURY AND ILLNESS

Mutual aid personnel who are injured while at the host campus shall immediately notify their immediate supervisor, who shall insure that the host campus commanding officer is notified.

- (a) Each person will complete an Emergency Information Form ([See attachment: Appendix A-2.pdf](#)) prior to arrival at the host campus. Upon arrival at the host campus, the ranking officer of the mutual aid detail will present the completed forms to the senior ranking supervisor or command officer of the host campus.
- (b) Injured personnel are responsible for completing all required documents and reports of injury/illness consistent with the policies of the host campus, including worker's compensation forms if applicable.
- (c) The host campus shall notify the guest campus of the injury/illness as soon as practical.

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1214.10 REPORTS

Mutual aid personnel shall complete all reports, or other documents as necessary prior to terminating the mutual aid assignment and returning to their guest campus. All reports will be reviewed and approved by the host campus prior to departure.

1214.11 DISPOSITION OF CITIZEN'S COMPLAINT

Investigation of a citizen's complaint, involving mutual aid personnel, is the responsibility of the guest campus in conjunction with the host campus. The guest campus of the involved officer will be notified of the complaint in a timely fashion and invited to participate in the investigation.

1214.12 GUIDELINES FOR UNIVERSITYWIDE MUTUAL AID

The following guidelines are provided as recommended procedures in situations involving Universitywide mutual aid. These guidelines will be followed whenever practical.

1214.12.1 REST

The host campus will insure that mutual aid personnel are provided adequate rest periods, for sleep and relaxation. The last tour of duty, and most recent sleep period will be considered when assigning mutual aid personnel to initial duty. On duty personnel will be rotated from assigned posts at reasonable intervals, especially in high stress assignments. Adequate toilet facilities will be made available to field personnel.

1214.12.2 FOOD/LIQUIDS

The host campus will insure that mutual aid personnel receive adequate meal breaks, and that appropriate food is available. Food and liquids, including water, soft drinks, fruit juice and coffee, will be available at appropriate times when personnel are on duty.

Food and drinks will be available at a central location or provided to field personnel at their assigned posts.

1214.12.3 MEDICAL

All injuries or illnesses of mutual aid personnel should be treated in a licensed medical facility consistent with the policies and procedures of the host campus. The guest campus shall be notified of any serious medical condition as soon as possible. Police personnel requiring medical attention should be treated at a facility separate from that treating persons who may have been injured as a result of a police action. Guest campuses shall provide an Emergency Information Form ([See attachment: Appendix A-2.pdf](#)) for each person in their mutual aid unit.

1214.12.4 PERSONAL AND OPERATIONAL EQUIPMENT - GUEST CAMPUS

The guest campus will provide:

- (a) Flashlights; and
- (b) Foul weather gear, as necessary.

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1214.13 REPORTING MUTUAL AID

Upon termination of a mutual aid incident, the host campus will forward a written report on the *Mutual Aid Summary Report* form ([See attachment: Appendix A-2.pdf](#)) to the Coordinator of UC Police Services summarizing the extent of the assistance provided including a list of the guest campuses, the rank and number of personnel sent, hours worked and a brief summary of the incident or event.

1214.14 UNIVERSITYWIDE MUTUAL AID FORMS AND REPORT

The following forms will be used when requesting reporting mutual aid ([See attachment: Appendix A-2.pdf](#)):

- (a) Universitywide Mutual Aid Request Form
- (b) Universitywide Mutual Aid Authorization Form
- (c) Universitywide Mutual Aid Transportation Information Form
- (d) Universitywide Mutual Aid Emergency Information Form
- (e) Universitywide Mutual Aid Summary Report

Funeral Protocol

1215.1 RESPONSE

A death of a member of the University of California Police Department will require an immediate, planned response for both the notification of the death to the family and public in general, and the coordination of the police funeral. The way each of these areas of concern is handled will have considerable effect on the family, other departmental employees, and the University itself. It is imperative that both notifications and the funeral be addressed with the greatest possible degree of professionalism and sensitivity by all who are involved.

1215.2 NOTIFICATIONS

Upon confirming the facts and circumstances of the critical injury or death of an employee, the on-duty supervisor should make arrangements for appropriate notifications. Public interest in law enforcement matters is high, and information will quickly be broadcast that there is a seriously injured or deceased law enforcement officer from the University of California. Since the identity of the involved officer will be withheld pending notification of next of kin, it is recommended that on-duty personnel immediately contact their own families to tell them they are not involved. Employees shall not release the names of any parties actually involved in the incident unless authorized by Command Staff.

1215.2.1 RECOMMENDED ORDER OF NOTIFICATIONS

- (a) The supervisor on duty shall make the appropriate notifications to the Chief of Police via the Chain of Command.
- (b) The Chief of Police or designee should make the notification to the next of kin. The notification to the next of kin should, whenever possible, be made in person, by one of equal or greater rank than the decedent. The notifier should be well informed regarding the circumstances surrounding the death and should freely impart that information to the family. The notifier, or other suitable person, shall remain with the family until the arrival of a suitable assisting person so as not to leave the family unattended during this critical period. The notifier should obtain the name of the employee preferred by the family to act in their behalf as Family Liaison Officer.
- (c) Notification should be made to all on and off duty personnel as directed by the Chief of Police.
- (d) Notification should be made as soon as possible to the appropriate campus Chancellor or designee and Campus Public Affairs; Office of the President, Executive Vice President-- Business Operations; and other government agencies.
- (e) A psychologist or grief counselor, chaplain or other person trained in law enforcement trauma support should be employed to assist department members.

1215.2.2 CRITICAL INJURY/DEATH AND FUNERAL NOTICE

Once all appropriate notifications have been made, a death and funeral notice should be completed. This should include an official, public notification of the death of a law enforcement

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employee. It should be completed as soon as practical, and as completely as possible. It should include information about the deceased employee such as place of birth, age, and surviving kin, a brief description of the circumstances of the death, and funeral information. If there are aspects of the initial release that are unanswered, (usually viewing and funeral arrangements) they can be addressed as "pending" and an updated notice sent out when the family makes its wishes known.

1215.2.3 EMERGENCY NOTIFICATION FORM

Each Campus should adopt an "Employee Emergency Notification Form" to be completed by employees and updated during their calendared review process. The form will contain notification wishes and special instructions by the decedent in the event of his/her death.

1215.3 FUNERAL PROTOCOL

In order to assist departments in preparing for a funeral of a deceased department member, a Funeral Planning guide is attached as ([See attachment: Appendix A-3.pdf](#)). This checklist is meant to serve as an adaptable, easily adoptable protocol for planning of a law enforcement funeral.

Attachments

Appendix A-2.pdf

University of California Police Department
Universitywide Mutual Aid Request Form

TO
HOST CAMPUS
EVENT

	CAMPUS	
	DATE OF REQUEST	

REQUESTOR

PHONE EMAIL @ .

MUTUAL AID REQUESTED

START DATE
END DATE

START TIME
END TIME

PERSONNEL REQUESTED

LT./CAPT. SGTS. OFFICERS.
OTHER (SPECIFY)

UNIFORM

LONG SLEEVE SHORT SLEEVE UTILITY
T-SHIRT: WHITE BLACK

EQUIPMENT REQUESTED

TASER YES NO OC YES NO ASP YES NO

--

LODGING INFORMATION

--

MEAL INFORMATION

--

TRANSPORTATION INFORMATION

--

BILLING QUESTIONS AND INVOICE CONTACT

NAME
PHONE
MAILING ADDRESS

ADDITIONAL INFORMATION

--

DATE

CHIEF OF POLICE

University of California Police Department
Universitywide Mutual Aid Transportation Information Form

NAME	
CAMPUS	
PURPOSE OF TRIP	
DATES OF TRAVEL	

DESTINATION

DEPARTING FROM		AIRPORT	
DATE		TIME	
ARRIVING AT		AIRPORT	
DATE		TIME	

TRANSPORTATION NEEDED FROM AIRPORT YES NO

RETURN DESTINATION

DEPARTING FROM		AIRPORT	
DATE		TIME	
ARRIVING AT		AIRPORT	
DATE		TIME	

TRANSPORTATION NEEDED TO AIRPORT YES NO

ADDITIONAL INFORMATION

SIGNATURE	FORM PREPARED BY
	TELEPHONE NUMBER

PLEASE SUBMIT THIS FORM TO THE CAMPUS REQUESTING MUTUAL AID.

University of California Police Department
Universitywide Mutual Aid Emergency Information Form

TO	
DATE	
REQUESTING CAMPUS	
EVENT	

NAME OF OFFICER	
CAMPUS	
DATE OF BIRTH	

PERSON TO BE NOTIFIED IN EMERGENCY

NAME	
RELATIONSHIP	
HOME PHONE	
CELL PHONE	
BUSINESS PHONE	
ADDRESS	
ADDITIONAL	

PERSON TO BE NOTIFIED IN EMERGENCY (IF PRIMARY PERSON IS UNAVAILABLE)

NAME	
RELATIONSHIP	
HOME PHONE	
CELL PHONE	
BUSINESS PHONE	
ADDRESS	
ADDITIONAL	

MEDICAL INFORMATION

EXISTING MEDICAL CONDITIONS	
KNOWN ALLERGIES TO MEDICATION	
PERSONAL PHYSICIAN	
OFFICE PHONE	
ADDRESS	
HEALTH PLAN	
GROUP NUMBER	
POLICY NUMBER	

University of California Police Department
Universitywide Mutual Aid Summary Report

DATE:

TO:
 Coordinator of Police Services

FROM:

RE: Mutual Aid Event

EVENT DATE(S):

CAMPUSES THAT PROVIDED MUTUAL AID PERSONNEL

UCB UCD UCI UCLA UCM UCR UCSD UCSF UCSB UCSC
PERSONNEL PROVIDED CAPT./LT. SGT. OFFICERS
*SEE ATTACHED COPY OF ROSTER **OTHER (SPECIFY)**

CAMPUSES THAT PROVIDED MUTUAL AID EQUIPMENT

UCB UCD UCI UCLA UCM UCR UCSD UCSF UCSB UCSC
EQUIPMENT PROVIDED

COSTS		PERSONNEL HOURS	
SALARY COSTS		CAPTAIN/LIEUTENANT	
OPERATIONS		SERGEANT	
TRANSPORTATION		OFFICER	
OTHER COSTS		OTHER	
TOTAL COSTS		TOTAL PERSONNEL HOURS	

SUMMARY OF MUTUAL AID EVENT

Appendix A-3.pdf

Law Enforcement Funeral Position Descriptions and Responsibilities¹

HONORS, DEFINED

Honors. There are two levels of Honors for the purposes of this document:

- **Honors:** Honors is comprised of an Honor Guard conducting a Rifle Salute, ceremonial Flag Folding and TAPS.
- **Full Honors:** Full Honors is comprised of the Honors elements plus aircraft flyovers and equestrian elements. Bagpipers and the release of birds are non-official funeral elements and in all cases are included at the behest of the decedent's family.

The only Honors element appropriate for a non-sworn Officer funeral is the static presence of an Honor Guard. In all cases a pre-folded flag may be placed on the casket and presented to the family.

FUNERAL PROTOCOLS

Categories of Funeral Protocol. The Chief of Police is the final arbiter of what category and what ceremonial elements will be included in a University of California Police funeral. For the purposes of this order, a Category I funeral with Full Honors will be illustrated. Other categories of funeral will be described as abbreviated versions of a Category I funeral with Full Honors.

Category I. A Category I death is a public event that denotes full, military-style, ceremonial honors. This category is reserved for sworn employees killed in the line of duty. No effort should be spared in the conduct of a Category I funeral that is consistent with tradition, good taste and the wishes of the immediate next of kin. In the event the campus agency does not have all the specialized resources needed for the conduct of a Category I funeral (bugler, piper, Master of Ceremonies, etc.) members of outside law enforcement agencies may be contacted for assistance.

Family Notification. Family members should be advised that a funeral with “full honors” will take considerable time to properly conduct. It usually consists of a religious ceremony in accordance with the family’s faith, and a graveside ceremony that will require an extended wait for all elements, dignitaries and attendees to be in place before it can begin. It involves the movement of thousands of persons and hundreds of vehicles from the house of worship to the graveside. In almost all cases, the family will be in place at the graveside before the last vehicle in the motorcade has left the house of worship. It is not uncommon for there to be a two-hour delay from the time the family arrives at the graveside and the last attendees are in place. Acquisition of an RV (recreational vehicle) for the family’s comfort during the waiting period should be considered.

Category II Sworn / Non-Traumatic Death Category II funerals are reserved for sworn personnel whose death is not the result of a traumatic, duty-related event. A Category II funeral may be a public event depending on its circumstances. It denotes a reduced level of military style honors to be determined by the Chief of Police.

¹ Adapted from Ventura County Law Enforcement Funeral Protocol, 2004

Category III Death of a Civilian Employee. A Category III funeral is a non-public event with limited Department involvement.

Category IV Death of a Retired or Separated Employee. A Category IV death is an informational matter addressed through publication of a death and funeral notice to the ten campus departments.

Category V Death of an Employee's Family Member. A Category V death is an informational matter addressed through publication of an internal death and funeral notice when requested by the involved family.

EVENT MANAGEMENT

The Incident Command System. The Incident Command System should be employed to manage the event.

- The Chief of Police should designate an Incident Commander.
- The Incident Commander should announce a planning meeting and activate positions such as Command Liaison Officer, Public Information Officer, Operations Section Chief, Planning and Intelligence Section Chief, Logistics Section Chief, Traffic Group Leader, Ceremonies Group Leader and Officer's Association Liaison.

Command Liaison Officer. The Command Liaison Officer is assigned directly to the Incident Commander and is the initial point of contact for all outside agencies, dignitaries and VIPs. The Command Liaison Officer should:

- Facilitate the attendance of such persons;
- Advise such persons to make direct contact with the Command Liaison Officer upon arrival at the jurisdiction;
- Document the attendance of such persons and the size of their delegations;
- With prior clearance from the Family Liaison Officer, allow VIPs to personally express their condolences to the decedent's family on the day of the funeral;
- Maintain a journal of all activities;
- Submit all records of the attendance of such persons and delegations to the Planning and Intelligence Section prior to the incident debrief. (Such records are critical to inter-agency relations and follow-up letters of thanks).

Public Information Officer. The Public Information Officer is assigned to the Incident Commander and is the point of contact for all media outlets and should:

- Confer with the Family Liaison Officer regarding completion of the Critical Injury / Death and Funeral Notice;
- Prepare a press release regarding the death of the employee and the subsequent ceremonial arrangements.
- Compose a brief biographical history of the deceased employee;
- Maintain a journal of all activities;
- Submit all documents to the Planning and Intelligence Section prior to the debriefing.

Family Liaison Officer. The Family Liaison Officer is the person chosen by the decedent's next of kin as the primary point of contact for the family on all matters relating to the death and funeral of the employee. This is the most critical role in the Incident Command structure. It requires one of strong character who has a close bond with the family. Ideally, all contact with the family should be through this person. It is calming for the family to interact with one of their choosing rather than a flood of callers. The Family Liaison Officer should:

- Be with the decedent's family as much as possible during the funeral period;
- Maintain routine contact with the Incident Commander;
- Ensure that the family's wishes relating to the funeral are communicated to the Incident Commander on all matters;
- Be a conduit for all incoming or outgoing family communication;
- Attend all planning meetings;
- Maintain a journal of all activities;
- Communicate the family's wishes on all matters directly to the mortuary, through the Funeral Director;
- If circumstances permit, arrange a visit, before the funeral, between the family and the command staff of the Department;
- Submit the journal and any related documents to the Planning and Intelligence Section prior to the incident debriefing;
- Attend the incident debrief.

Operations Section Chief. It is the duty of the Operations Section Chief to oversee the various facets of the funeral preparation and execution in behalf of the Incident Commander. As such, the Operations Section Chief should:

- Schedule and maintain contact with all activated segments of the Incident Command structure;
- Attend all planning meetings;
- Appoint a Mortuary Liaison to discharge the duties listed on the Mortuary Liaison Checklist;
- Appoint a House of Worship Liaison to discharge the duties listed on the House of Worship Checklist;
- Appoint a Cemetery Liaison to discharge the duties listed on the Cemetery Liaison Checklist;
- Exercise functional supervision over the progression of all funeral related events;
- Ensure that bomb sweeps are conducted at all venues prior to the arrival of personnel;
- Change and re-direct the Incident Action Plan as necessary;
- Maintain a journal of all activities;
- Submit all documentation to the Planning and Intelligence Section prior to the incident debrief;
- Attend the incident debriefing.

Planning and Intelligence Section Chief. It is the duty of the Planning and Intelligence Section Chief to oversee the conduct of all planning meetings, maintain all records and documentation and coordinate the participation of elements from within and without the Department that will be contributing technical expertise to the proceedings. The Planning and Intelligence Section Chief should:

- Announce and conduct an initial planning meeting;
- In conjunction with the Operations Section, identify an Operational Period;
- Compose a written Action Plan that allows sufficient time for all organizational components to complete assigned duties;
- Conduct a site survey at the house of worship and produce a security plan;
- Conduct a site survey at the cemetery and produce a security plan;
- Establish and maintain contact with:
 - The religious leader identified by the Family Liaison Officer;
 - The Funeral Director;
 - The Benefits Counselor;
 - The Department Psychologist;
 - A Piper;
 - A Bugler;
 - A photographer for both venues the day of the funeral;
 - An audio expert for the church and graveside ceremonies;
- Maintain a journal of all activities;
- Maintain copies of all written plans, diagrams, maps, etc.
- Handle all correspondence;
- Monitor the weather;
- Collect and archive all journals, notes and documents;
- Conduct the incident debrief;
- Prepare an After-Action report.

Traffic Group Supervisor. Under the direction of the Operations Section it is the responsibility of the Traffic Group to plan and coordinate all traffic related elements the day of the funeral. The Traffic Group Supervisor should:

- Attend all planning meetings;
- Diagram the parking facilities at the mortuary and the cemetery;
- Contact (through the Command Liaison Officer) the California Highway Patrol and other jurisdictions that may be impacted during the funeral procession;
- Formulate a motorcade and parking plan for all venues;
- Maintain a journal of all activities;
- Submit all plans and related documentation to the Planning and Intelligence Section prior to the second planning meeting;
- Notify the Logistics Section of all items necessary to accomplish the Traffic Group mission (cones, delineators, flares, barricades, etc.);
- Submit all journals and other documentation to the Planning and Intelligence Section prior to the incident debriefing;
- Return all unused or re-useable items to the Logistics Section;
- Attend the incident debrief.

Law Enforcement Funeral Position Descriptions and Responsibilities¹

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The only Honors element appropriate for a non-sworn Officer funeral is the static presence of an Honor Guard. In all cases a pre-folded flag may be placed on the casket and presented to the family.

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Family Notification. Family members should be advised that a funeral with “full honors” will take considerable time to properly conduct. It usually consists of a religious ceremony in accordance with the family’s faith, and a graveside ceremony that will require an extended wait for all elements, dignitaries and attendees to be in place before it can begin. It involves the movement of thousands of persons and hundreds of vehicles from the house of worship to the graveside. In almost all cases, the family will be in place at the graveside before the last vehicle in the motorcade has left the house of worship. It is not uncommon for there to be a two-hour delay from the time the family arrives at the graveside and the last attendees are in place. Acquisition of an RV (recreational vehicle) for the family’s comfort during the waiting period should be considered.

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- Attend all planning meetings;
- Maintain a journal of all activities;
- Communicate the family's wishes on all matters directly to the mortuary, through the Funeral Director;
- If circumstances permit, arrange a visit, before the funeral, between the family and the command staff of the Department;
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- Appoint a House of Worship Liaison to discharge the duties listed on the House of Worship Checklist;
- Appoint a Cemetery Liaison to discharge the duties listed on the Cemetery Liaison Checklist;
- Exercise functional supervision over the progression of all funeral related events;
- Ensure that bomb sweeps are conducted at all venues prior to the arrival of personnel;
- Change and re-direct the Incident Action Plan as necessary;
- Maintain a journal of all activities;
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Planning and Intelligence Section Chief. It is the duty of the Planning and Intelligence Section Chief to oversee the conduct of all planning meetings, maintain all records and documentation and coordinate the participation of elements from within and without the Department that will be contributing technical expertise to the proceedings. The Planning and Intelligence Section Chief should:

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- Conduct a site survey at the cemetery and produce a security plan;
- Establish and maintain contact with:
 - The religious leader identified by the Family Liaison Officer;
 - The Funeral Director;
 - The Benefits Counselor;
 - The Department Psychologist;
 - A Piper;
 - A Bugler;
 - A photographer for both venues the day of the funeral;
 - An audio expert for the church and graveside ceremonies;
- Maintain a journal of all activities;
- Maintain copies of all written plans, diagrams, maps, etc.
- Handle all correspondence;
- Monitor the weather;
- Collect and archive all journals, notes and documents;
- Conduct the incident debrief;
- Prepare an After-Action report.

Traffic Group Supervisor. Under the direction of the Operations Section it is the responsibility of the Traffic Group to plan and coordinate all traffic related elements the day of the funeral. The Traffic Group Supervisor should:

- Attend all planning meetings;
- Diagram the parking facilities at the mortuary and the cemetery;
- Contact (through the Command Liaison Officer) the California Highway Patrol and other jurisdictions that may be impacted during the funeral procession;
- Formulate a motorcade and parking plan for all venues;
- Maintain a journal of all activities;
- Submit all plans and related documentation to the Planning and Intelligence Section prior to the second planning meeting;
- Notify the Logistics Section of all items necessary to accomplish the Traffic Group mission (cones, delineators, flares, barricades, etc.);
- Submit all journals and other documentation to the Planning and Intelligence Section prior to the incident debriefing;
- Return all unused or re-useable items to the Logistics Section;
- Attend the incident debrief.

Ceremonies Group Supervisor. Under the direction of the Operations Section it is the responsibility of the Ceremonies Group to research, plan and execute all funeral related ceremonies. The Ceremonies Group Supervisor should:

- Establish a Church Ceremonies Team and designate a Team Leader;
- Establish a Cemetery Ceremonies Team and designate a Team Leader;
- Ensure that the position of Master of Ceremonies is staffed by one well versed in military drill and ceremonies who possesses a commanding voice;
- Meet the Funeral Director, the Cemetery Curator, the Family Liaison Officer and the religious leader at the cemetery well in advance of the interment and choreograph the graveside ceremonies;
- Conduct dress rehearsals with all involved parties at both venues. Ensure that the following issues are addressed:
 - The ceremony is planned in accordance with the wishes of the next of kin;
 - The location of the grave is satisfactory to the next of kin;
 - The listed elements are plotted on a cemetery diagram;
 - Rifle Squad;
 - Uniform formation;
 - Family delegation, (with a canopy and sufficient chairs in place);
 - The arrival route of the hearse, and its eventual parking space;
 - Piper and Bugler;
 - Honor Guard.
- After addressing the necessary issues, mark the locations of the components of the ceremonial groups with wire flags, spray chalk or other suitable substance and conduct a walk-through of the graveside ceremony. (When mapping out the ceremonial elements, [especially the uniform formation] remember that it is easier to constrict a plan that is too large than to expand one that is too small).
- Contact all members of each component of the ceremonial groups and direct them to report to their respective duty stations well in advance on the day of the funeral in order to dress rehearse their roles;
- Confer with the Parking Team Leader to ensure that all vehicles belonging to the members of the ceremonial groups are positioned for rapid departure from the house of worship, to the cemetery, well in advance of the funeral motorcade;
- Position arriving personnel in accordance with the parking plan;
- Oversee the conduct of the graveside ceremonies.

Logistics Section Chief. The Logistics Section Chief is responsible for site security at all venues, provision of all necessary supplies, procurement of certain key personnel and apparatus, operating a transportation detail to assist arriving and departing personnel, and assisting the family with the post-funeral reception. The Logistics Section Chief should:

- Arrange for the deployment of a tow truck at both venues the day of the funeral;
- Arrange for the deployment of a rescue ambulance at both venues the day of the funeral;
- Arrange for the deployment of portable toilets at a suitable location in the cemetery;

- Arrange for the deployment of a catering truck at a suitable location, in the cemetery proper, on the day of the funeral;
- Arrange and supervise a transportation detail to assist persons attending from distant locales;
- Obtain a casket flag and white gloves;
- Obtain a sufficient supply of cones, barricades, flares, delineators and other equipment to supply the Traffic Group;
- With the concurrence of the Family Liaison Officer, offer to assist the family with the post-funeral reception;
- Ensure that all equipment and supplies are returned or accounted for prior to the incident debriefing;
- Maintain a journal of all activities;
- Submit all documentation to the Planning and Intelligence Section prior to the incident debriefing;
- Attend the incident debriefing.

Officer's Association Liaison (or other identified Specialist).

- Assist the decedent's family with matters related to the death such as benefits, insurance policies, personal documentation, costs, etc.
- Attend all planning meetings;
- Assist with funeral planning and arrangements.

GRAVESIDE CEREMONIES FOR CATEGORY I FUNERAL

Ceremonial Elements. A Category I funeral consists of some or all of the following ceremonial elements:

- Master of Ceremonies
- Pallbearers
- Honor Guard
- Rifle Squad
- Ceremonial Flag Folding
- Piper
- Bugler
- Flyover Squadron
- Rider-less Horse

Choreography. A Category I funeral is choreographed as follows:

- Ensure that the family's wishes are met;
- Ensure that the family can see and hear all elements of all ceremonies;
- Ensure that the Master of Ceremonies has drill and ceremonies expertise and a commanding voice;
- Ensure there is a clear path for all ceremonial elements, paying particular attention to the pallbearers;
- Ensure the elements of the formation can hear the proceedings at the graveside.

Flag and Coffin Protocol.

- When the United States flag is draped on a coffin, the field of stars is positioned at the head and over the left shoulder of the deceased, as pictured in the addenda.
- When a flag-draped coffin is on display, the head is to the viewer's left. The striped area of the flag faces the viewer and is considered the "front" view.
- When a coffin is moved, whether flag-draped or not, it is oriented feet first.
- When outside, if a flag-draped coffin is moved from one place to another, uniformed personnel are expected to salute when it passes.
- Nothing is to be placed on a flag-draped coffin at any time.
- During the ceremony the United States flag is folded by the Honor Guard. Once folded it may be passed from person to person or carried from place to place. If so, it is carried left hand on the bottom, right hand on the top. Before it changes hands the receiving person, if in uniform, salutes the presenter.

Special Element Roles. The graveside ceremony consists of several ceremonial elements. The Rifle Squad, Pallbearers, Honor Guard, Bugler, Piper, etc., at times act independently of the main formation in the discharge of their duties. The following are guidelines for such special element roles:

- The Master of Ceremonies is the leader of all uniformed elements;
- The commands of the Master of Ceremonies are given in a voice audible to all present;
- The commands to the special elements by their individual Officers in Charge are audible only to the concerned elements;
- When the Master of Ceremonies intends for the special elements to operate independently of his commands, the command: "SPECIAL ELEMENTS, STAND FAST!" will be given prior to the command given the main formation. On all other occasions the special elements are to function as part of the main formation.

Positioning of Elements

- The Master of Ceremonies should be at the graveside well in advance of the motorcade, and should, in an expeditious manner, position arriving officers into the ranks and files of the main formation;
- The Master of Ceremonies should also position the Honor Guard, Piper, Bugler, Rifle Squad and other special elements;
- Upon arrival of the hearse the pallbearers should stand at Parade Rest, facing one another in two ranks, at the rear of the hearse, until directed by the Master of Ceremonies to remove the casket.

Recommended Order of Ceremonies. After the Master of Ceremonies has positioned all elements and the main formation is complete the Order of Ceremonies (with the MC giving the commands) is as follows:

- The command: "DETAIL ATTENTION!" is given. This signals the Mortuary Director and the pallbearers to remove the casket from the hearse;

- "PRESENT ARMS" is directed to the entire formation; "Present Arms" is held while the pallbearers move the casket to the bier. (The casket is oriented feet first when moved and when positioned for the service. If the casket needs to be turned or re-oriented it is done with a pivoting movement immediately prior to being set at rest).
- "DETAIL - ORDER ARMS!" is given after the pallbearers have placed the casket on the bier, adjusted the flag to its proper position and come to attention.
- "DETAIL, PARADE REST!" The OIC of the pallbearer detail directs a facing movement followed by a marching order that positions the detail to the side (but in close proximity) to the bier, for the duration of the religious rites. Upon completion of the religious rites the Honor Guard positions itself on either side of the casket for the folding of the flag.
- "DETAIL ATTENTION!" queues the piper to begin a musical selection and the Honor Guard to begin folding the flag in accordance with the addendum to this document.
- The folded flag is presented to the Chief of Police who renders a hand salute, receives the flag from the presenter, turns and presents it to the primary next of kin. It is not uncommon for Category I ceremonies to be attended by the Governor or a representative of that office. In almost all cases, uniformed officers from the California Highway Patrol will be in attendance to present a State of California flag, and condolences from the governor, to the primary next of kin. This occurs immediately after the presentation of the United States flag by the Chief of Police.
- After the flag presentations and condolences are complete, the command: "DETAIL, PRESENT ARMS!" is given to all personnel. Immediately thereafter: "PREPARE FOR THE VOLLEY!" is given as a warning that the rifle volley is about to occur and queues the rifle squad to conduct the rifle salute.
- After the rifle squad completes the volley and comes to "Present Arms" the bugler begins "TAPS". (If there is a flyover it should be coordinated to pass overhead as "TAPS" is ending).
- Upon completion of "TAPS" and the flyover: "DETAIL, ORDER ARMS!" is given. This queues the pallbearers to align with the end of the casket farthest from the next of kin, remove their gloves and file past the casket, placing their gloves thereon as they do so. After having done so the pallbearers form a rank at attention and "DETAIL, DISMISSED!" is given, ending the ceremony.

CEREMONIES, CATEGORIES II THROUGH V

Category II. A category II (Sworn/Non-traumatic death) funeral honors are confined to a Rifle Salute, ceremonial Flag Folding and TAPS.

Category III. The protocol for a Category III (Death of a Civilian Employee) funeral should be restricted to a motor escort, a static Honor Guard and an attendance policy identified by the Chief of Police.

Category IV. The protocol for a Category IV (Death of a Retired or Separated Employee) funeral should be restricted to the participation of a static Honor Guard and an attendance policy identified by the Chief of Police.

Category V. The protocol for a Category V (Death of an Immediate Family Member) funeral should be limited to an attendance policy identified by the Chief of Police.

Notice of Critical Injury

We regret to announce the Critical Injury of:

Rank _____ Name _____ Serial# _____

Assigned to: _____ Agency _____

Circumstances: _____

_____ is being treated at: _____

Condition: _____. Visiting ___ is ___ is not permitted.

Direct inquiries to _____ at _____

This notice is designed as a combination press release / agency notification. It is recommended that it be transmitted via CLETS or other appropriate law enforcement communication media to any uninvolved agencies that might have an interest in the occurrence, its circumstances, or the condition of the injured employee. Use the space below to cover any issues not addressed above. In the event the employee does not survive the event refer to the DEATH AND FUNERAL NOTICE on the reverse of this form.

DEATH AND FUNERAL NOTICE

We regret to announce the death of:

Rank _____ Name _____ Serial# _____
Last Assigned to: _____ Place of Birth _____
Date of Birth _____ Place of Death _____
Date of Death _____ Appointment Date _____ Retirement Date _____
Surviving Kin _____

Decedent Classification _____ Status _____ Event Classification _____

Viewing: Day: _____ Date: _____ Time: _____
Facility: _____
Address: _____
City: _____

Service: Day: _____ Date: _____ Time: _____
Facility: _____
Address: _____
City: _____

Interment: Immediately Following:
Facility: _____
Address: _____
City: _____

Family Contact: Name: _____
Address: _____
City: _____ Zip: _____
Telephone: _____

Command Liaison Officer: _____

Reporting Party: _____ Call Back# _____

Watch Commander Notified: _____ Date: _____ Time: _____

Information Taken by: _____ Date: _____ Time: _____

MORTUARY LIAISON CHECKLIST

- In conjunction with the family, identify the mortuary of preference. (Pierce Bros. donates all services for officers killed in the line of duty, including casket, vault, plot, headstone and the adjoining plot for the spouse if requested).
- Record the exact name, address, telephone number and person to be contacted at the mortuary. The contact person should be one with decision making authority who should, as the primary point of contact, be available for all-hours contact for the duration of the event.
- Schedule a meeting at the mortuary with the immediate next of kin, **Family Liaison Officer, Mortuary Liaison Officer, POA Liaison and the Funeral Director**, to obtain first hand information regarding available services. The wishes of the next of kin regarding preparation of the body, i.e. open casket, religious symbols or personal keepsakes to be enclosed with the body at burial, etc., will be addressed at this meeting. (If the family wants items removed from the body as keepsakes, it is permitted upon completion of the appropriate documents).
- With the concurrence of the next of kin, establish a viewing or prayer service schedule and inform the OIC of the **Honor Guard** of the date place and time.
- Coordinate with the **Funeral Director** for provision of limousines for the family on the day of the funeral.
- Verify that the mortuary will coordinate memorial folders, thank you cards, photographs, floral arrangements and the memorial book.
- The mortuary expects the family to provide:
 - Social Security Number;
 - DD214 for honorably discharged veterans;
 - clothing for burial;
 - a list of pallbearers;
 - a photograph of the decedent;
 - their identified preference for a cemetery plot.

HOUSE OF WORSHIP CHECKLIST

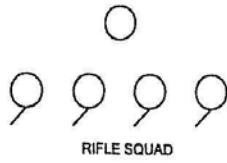
- [] Determine (through the **Family Liaison Officer**) the religious affiliation of the Officer and family.
- [] Determine (through the **Family Liaison Officer**) the exact name, address and telephone number for the house of worship preferred by the family.
- [] Contact the leader of the congregation and determine the seating capacity of the facility.
- [] Obtain a floor plan of the facility and a diagram of the available parking.
- [] Meet with the leader of the congregation and compose a detailed list of the items or issues the Department is expected to handle, and a detailed outline of how the service is expected to evolve.
- [] Solicit the recommendations of the leader of the congregation for family and VIP seating.
- [] Set a tentative date and time for the service. Do not make a commitment. (Autopsies or other facets of the investigation may delay release of remains).
- [] Prepare to brief the **Incident Command Staff** at the scheduled planning meeting.
- [] Advise the leader of the congregation that a **Master of Ceremonies** must be provided to choreograph all aspects of the worship services.
- [] Arrange a dress rehearsal for all who participate in the worship services. (Ushers, Pall Bearers, Honor Guard, etc.).
- [] Consult with the **Parking Team Leader** about the parking layout at the house of worship.

CEMETERY LIAISON CHECKLIST

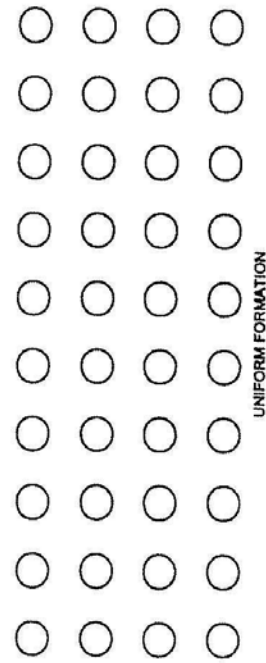
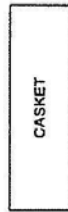
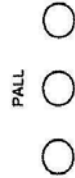
- [] The **Cemetery Liaison Officer** is in charge at the cemetery. Cemetery personnel will advise when asked but the protocol is that the **Cemetery Liaison Officer** dictates what is needed and the cemetery provides it.
- [] Verify with cemetery personnel that no other burials are scheduled during the period that the police ceremonies are to occur.
- [] Obtain a map of the facility.
- [] Consult with the **Cemetery Manager** regarding his recommendations for a traffic plan for a long procession.
- [] In conjunction with the **Formation Leader**, formulate a plan for a large formation of uniform and plain clothes police personnel.
- [] Maintain contact with the **Documentation Unit** of the **Planning Section**, which is responsible for monitoring the weather. Remain current on the status of the weather. The cemetery will arrange for shelters if needed.

CATEGORY 1 FORMATION
GUIDELINES

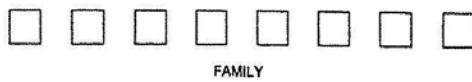
BUGLER ○



MASTER OF
CEREMONIES ○

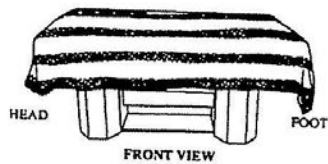


PIPER ○

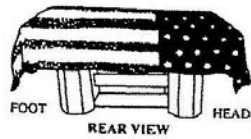




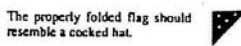
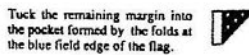
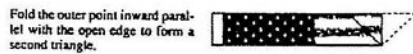
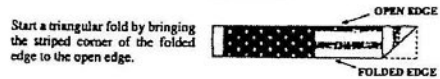
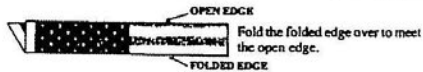
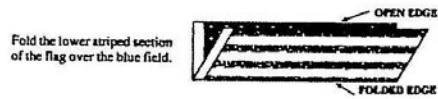
CORRECT METHOD OF DISPLAYING THE FLAG WITH THE CASKET



Center the flag on the casket so that the blue shield is at the head and over the left shoulder of the deceased.



CORRECT METHOD OF FOLDING THE UNITED STATES FLAG



UC Police Military Equipment.pdf

UC Police Military Equipment Inventory

Categories and Descriptions	UCB	UCD	UCI	UCLA	UCM	UCR	UCSD	UCSF	UCSB	UCSC	Total
Category 1 - Unmanned, remote Piloted, Powered Aerial or Ground Vehicles											
<i>Remotec Andros F6A Robot</i>	1	0	0	0	0	0	0	0	0	0	1
Category 5 - Command and Control Vehicles that are either built or modified to facilitate operational control and direction of public safety units											
<i>Command Post - Vehicle</i>	1	0	0	0	0	0	0	0	0	0	1
Category 11 - Noise-Flash Diversionary Devices and Explosive Breaching Tools											
<i>Def-Tec Multi-port Plus II Distraction Device Model #8922</i>	0	0	0	0	0	0	0	10	0	0	10
Category 12 - Munitions Containing Tear Gas or OC Excluding Standard Service Issued Hand-Held Pepper Spray											
<i>FN Herstal 303-5 18mm Rounds (PAVA/OC)</i>	480	0	300	0	120	0	135	1500	0	0	2535
<i>Def-Tec 40mm Direct Impact Munition Model #6320 (OC)</i>	5	0	5	50	5	0	0	4	0	0	69
<i>Def-Tec 40mm Direct Impact Munition Model #6322 (CS)</i>	5	0	5	0	5	0	0	18	0	0	33
<i>FTC PAVA Capsaicin Rounds</i>	0	0	0	1550	0	0	1210	0	0	0	2760
<i>Def-Tec MK-9 Pepper Spray (OC) Canisters, Model #5099</i>	8	0	0	0	0	0	0	4	0	0	12
<i>Sabre MK-9 Pepper Spray (OC) Canister Model 91H2060</i>	0	0	6	0	0	0	0	0	0	0	6
Category 13 - Taser Shockwave, Microwave Weapons, Water Cannons, and Long Range Acoustic Devices											
<i>Long Range Acoustic Device (LRAD)</i>	1	1	1	2	1	1	1	1	1	1	11
Category 14 - Kinetic Energy Weapons and Munitions											
<i>FN Herstal 303 Launcher</i>	5	1	1	1	1	5	1	4	1	1	21
<i>FN Herstal 303-3 18mm Rounds (Washable Paint)</i>	390	100	0	0	0	200	150	2400	0	200	3440
<i>Def-Tec/LMT 40mm Launcher (Models #1327, #1425, #1426)</i>	4	5	13	18	1	1	1	14	15	11	83
<i>Def-Tec 40mm eXact Impact Munition Model #6325</i>	100	100	150	120	7	20	120	281	356	55	1309
<i>Def-Tec 40mm Bean Bag Round Model #6025</i>	0	0	0	0	0	0	0	22	0	0	22
<i>FTC Pepper ball Rifle</i>	0	0	0	4	0	0	2	0	0	0	6

Letter of Promulgation.pdf

LETTER OF PROMULGATION

The Universitywide Police Policies and Administrative Procedures Manual is issued by the Office of the President and is intended to maintain the high standards of the University of California Police Department.

The policies and procedures contained within constitute a directive for members of the University of California Police Department. They are created to provide direction and guidance to the members of the University of California Police Department and provide the framework of coordination for the protection of the population and resources of the University of California.



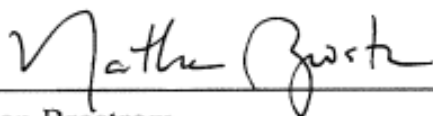
Pamela E. Roskowski
Chief of Police, University of California San Francisco
Systemwide Coordinator of Police Services

12/10/2010
Date



Dwaine Duckett
University of California, Office of the President
Vice President, Human Resources

12/21/10
Date



Nathan Brostrom
University of California, Office of the President
Executive Vice President, Business Operations

12/22/2010
Date

Homeless Persons Notices Attachments A and B.pdf



POLICE DEPARTMENT

IRVINE, CALIFORNIA 92697-4900

ATTACHMENT A

24-HOUR PERSONAL NOTICE OF DESTRUCTION OF ABANDONED PROPERTY

NOTICE IS HEREBY GIVEN to the owner of the property contained within the attached container, that on the _____ day of _____, 20____, at _____, the UCI Police Department discovered these items in a public place and believes that they may have been abandoned.

If the property contained herein has not been removed within 24 hours from the time of posting of this notice, the University of California Irvine (UCI) will presume that the property has been legally abandoned. UCI may permanently dispose of the contents of this container any time after the 24-hour period is over.

If you have any questions about this notice, please contact:

Name: _____

Contact Number: _____



POLICE DEPARTMENT

IRVINE, CALIFORNIA 92697-4900

ATTACHMENT B

NOTICE OF DESTRUCTION OF ABANDONED PROPERTY

NOTICE IS HEREBY GIVEN to the owner of the property located at _____ that on the _____ day of _____ 20____, at____. The UCI Police Department discovered the listed items in a public place and believes that the property may have been abandoned. The property is being retained by UCI Police Department in a secure place for ninety (90) days. If the rightful owner does not come forward and retrieve the property by the _____ day of _____, 20____, the property will be destroyed.

The property is available for retrieval at 410 E. Peltason Drive, Irvine, CA 92697-4900 or by contacting the UCI Police Department at (949) 824-5223.

Property List:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Emergency Notification and Timely Warning Chart.jpg

Crowd Control Management.jpg

UC Irvine PD - BWV Acknowledgment.pdf

**University of California, Irvine – Police Department
Chapter 3 / Policy 347: Body Worn Audio/Video Systems**

ATTACHMENT A

Video/Audio Evidence Review Acknowledgment

In this case, there is video evidence that you will have an opportunity to view after you have given a public safety statement (if applicable). Video evidence has limitations and may depict the events differently than you recall and may not depict any or all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The “frame rate” of video may limit the camera’s ability to capture movements normally seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted upon from what viewing the additional evidence provides you. If listening to audio recordings or viewing video recordings provides additional clarity to what you remember that is fine; if it does not, that is fine also.

Read and Acknowledged:

Signature

Date and Time

Printed Name

Badge No.

Witnessed:

Signature

Date and Time

Printed Name

Title/Position

Please note that this policy is undergoing preliminary review and is subject to revision throughout the review process.

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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Published September 2008

Revised May 2019

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POST Mission Statement

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
 - A. Response
 - B. Training
 - C. Planning and Prevention
 - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
 - Develop a network to build rapport with community groups

-
- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

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

Policy

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

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

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

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

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

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

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2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

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

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

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

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
 - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - Definition of "hate crime" included from:
 - CPC 422.55
 - CPC 422.56
 - CPC 422.6
 - Title by title specific protocol regarding:
 - Prevention
 - Is contact is established with identified persons and/or communities who are likely targets?
 - Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - Response
 - Requirement that all hate crimes be properly investigated and supervised
 - Requirement that any hate crimes committed under the color of authority are investigated
 - Accessing Assistance
 - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - Victim assistance and follow-up
 - Reporting
 - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - Training
 - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - Does the checklist include first responder responsibilities include:
 - Determining the need for additional resources if necessary?
 - Referral information for appropriate community and legal services?
 - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - Information regarding bias motivation from CPC 422.87
 - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

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

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

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

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

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

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

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

Bias Motivation

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

Disability Bias

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

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

Disability

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

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

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

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

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

Religion

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

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
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WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/> Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/> Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/> Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

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	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
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Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? Yes No

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Supplemental Hate Crime Report.pdf

Hate incident (No Crime Committed)

Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

Individual

Legal name (Last, First):

Date of Birth	Age	Sex	Race

School, business or organization

Name: _____

Type: _____
 (e.g., non-profit, private, public school)

Faith-based organization

Name: _____

Faith: _____

Other

Name: _____

Type: _____

Address: _____

Date and time of incident:

Location of incident:

Date and time of report:

Location of report:

Agency Case #:

NATURE OF CALL FOR SERVICE (check all that apply)

Crime against persons

Crime against property

Gang activity

Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

Disability

Gender

Gender identity/expression

Sexual orientation

Race

Ethnicity

Nationality

Religion

Significant day of offense

(e.g., 9/11, holy days)

Association with a person or group with one or more of these characteristics (actual or perceived)

Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM’S STATEMENT

Actual bias [Victim has the indicated characteristic(s)].

Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

Yes No

Do you know what motivated the suspect to commit this crime?

Yes No

Do you feel you were targeted because you associated yourself with an individual or a group?

Yes No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

Yes No

Are there Indicators the suspect is affiliated with a criminal street gang?

Yes No

BIAS INDICATORS (CHECK ALL THAT APPLY):

Hate speech

Acts/gestures

Property damage

Symbol used

Written/electronic communication

Graffiti/spray paint

Other: _____

HISTORY

SUSPECT INFORMATION				RELATIONSHIP BETWEEN SUSPECT & VICTIM			
Legal name (Last, First): _____				Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Names used (AKA): _____				Nature of relationship: _____			
Date of Birth	Age	Sex	Race	Length of relationship: _____			
				<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____			
Relationship to Victim: _____				Prior unreported incidents with suspect: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			

WEAPONS/FORCE

Weapon(s) used during incident? Yes No Type: _____

Force used during incident? Yes No Type: _____

EVIDENCE

Witnesses present during incident? Yes No Statements taken? Yes No

Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings:	<input type="checkbox"/> Video	<input type="checkbox"/> Audio	<input type="checkbox"/> Booked
Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified:	<input type="checkbox"/> Field ID	<input type="checkbox"/> By photo/video	<input type="checkbox"/> Known

RESOURCES

Resources offered at scene: Yes No

Marsy's Law Handout Hate Crimes Brochure Other: _____

MEDICAL

Victim	Suspect	
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by	Date
Name/Title/ID number	

INDEX / TOPICS